



आरत का राजपत्र

The Gazette of India

प्रकाशित से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY

No. 17] वर्ष द्वितीय, अप्रैल 26—मई 26, 2008, शनिवार/वेत्र 31—विश्राम 6, 1930

No. 17] NEW DELHI, APRIL 26—APRIL 26, 2008, SATURDAY/CHAITRA 31—VAKRANT 6, 1930

इस भाग में विवर यूट संख्या की जारी है जिसे इस भाग यूट संख्या के बाब वे लागू कर सकते हैं।

Separate Paging is given to this Part in order that it may be filed as a separate document.

भाग II—खण्ड 3—प्रभ—यूट (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार द्वारा जारी की गयी विवर यूट संख्या को लोडकर।

Circular Orders and Notifications issued by the Ministry of the Government of India
(Other than the Ministry of Defence)

विवर यूट या यूट संख्या

(विवर यूट विवर)

वर्ष द्वितीय, 10 अप्रैल, 2008

संख्या 876.—मुहूर्मति, श्री मुहूर्मति राविदार, सेनिट अधिकारी को दिनांक 9 अप्रैल, 2008 के अवधि से वो वर्ष द्वी अधिकारी के रिहायने भी भारत के अपर महासेविक्टर के पास पर नियुक्त करते हैं।

[सा. नं. 18(4)/2008-ज्यायिक]

प्रम. प. श्री मुहूर्मति, संग्रह संसद एवं विधायिका समिति

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 10th April, 2008

S.O. 876.—The President is pleased to appoint Sh. Muthukrishnan Ravindaran, Senior Advocate, as Additional Solicitor General of India at Chennai with effect from the afternoon of 9th April, 2008 for a period of two years.

[F. No. 18(4)/2008-Jud.]

M. A. KHAN YUSUFI, Jr. Secy. and G.C.

विवरित, लोक विवाहालय, लाल चौक, नई दिल्ली

(विवर यूट यूट संख्या)

वर्ष द्वितीय, 17 अप्रैल, 2008

संख्या 877.—प्रोफेशनल सरकार यूट संख्या विवर यूट यूट संख्या विवरित, 1946 (1946 का अधिकारीनं सं. 25) वर्ष द्वी 6 के रिहायने वारा 5 की वर्ष-यूट (1) द्वारा प्रदत्त यूट संख्या विवर यूट प्रदान करते हुए यूट संख्या प्रदान द्वारा यूट विवर यूट यूट संख्या सं. एक्सेसवी(ए)-42/08 दिनांक 8 अप्रैल, 2008 द्वारा भारत सरकार से आरतीय दंड संसद, 1860 (1860 का अधिकारीनं सं. 45) की वारा 302 और 307 संख्या विवर यूट संख्या, 1959 (1959 का अधिकारीनं सं. 54) की वारा 25 (12), 25 (13) और 27 (2) एवं (3) के अधीन देवघरी यूट संख्या में वर्ष यूट सं. 24/07 और भारतीय दंड संसद, 1860 (1860 का अधिकारीनं सं. 45) की वारा 121, 306, 511, 34 संख्या विवर यूट यूट संख्या (विवर यूट) अधिकारीनं, 1967 (1967 का अधिकारीनं 37) की वारा 10 एवं 13 वर्ष आपुर्य अधिकारीनं, 1959 (1959 का अधिकारीनं सं. 54) की वारा 25 (12) के अधीन यूट संख्या विवर यूट संख्या में वर्ष यूट सं. 253/07 वर्ष उपर्युक्त विवर यूट संख्या विवर यूट संख्या विवर यूट, दुष्प्राणी और विवर यूट विवर यूट के अनुकूल में

अथवा उन्हों तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारियों का विस्तार सम्मूँ अलगाचल प्रदेश राज्य पर करती है।

[सं. 228/9/2008-AV-D-II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 17th April, 2008

S.O. 877.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Arunachal Pradesh, Home Department, Itanagar vide Notification No. HMB(A)-42/08 dated 8th January, 2008 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Arunachal Pradesh for investigation into the Deomali Police Station case No. 24/07 under Sections 302 and 307 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with sections 25(1A), 25(1B) and 27(2) and (3) of Arms Act, 1959 (Act No. 54 of 1959) and Itanagar Police Station case No. 253/07 under Sections 121, 506, 511, 34 of the Indian Penal Code, 1860 (Act No. 45 of 1860) read with section 10 and 13 of the Unlawful Activities (Prevention) Act, 1967 (Act 37 of 1967) and Section 25(1B) of Arms Act, 1959 (Act No. 54 of 1959) and attempts, abettments and conspiracies in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/9/2008-AVD-II]

CHANDRA PRAKASH, Under Secy.

भारतीय रिजर्व बैंक

मुम्बई, 3 अप्रैल, 2008

का.आ. 878.—भारतीय रिजर्व बैंक, अधिनियम, 1934 (1934 का 2) की धारा 42 की उपधारा (6) के खंड (क) के अनुसरण में भारतीय रिजर्व बैंक एतद्वारा निर्देश देता है कि उक्त अधिनियम की दूसरी अनुसूची में निम्नलिखित बैंक को समर्थित किया जाए अर्थात्:

“पुदुचर्या भारतीय ग्राम बैंक (संघ सासित छेत्र पुदुचरी)”

[श्रावणशुक्ल आठवार्षी सं. 10410/03.05.344/2007-08]

वी. एस. दास, कार्यपालक निदेशक

RESERVE BANK OF INDIA

Mumbai, the 3rd April, 2008

S.O. 879.—In pursuance of clause (a) of sub-section (6) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Reserve Bank of India hereby directs the

inclusion in the Second Schedule to the said Act of the following bank namely:

“Puduvai Bharathiar Grama Bank (Union Territory of Puducherry)”

[RPCD.OO.RRB.No.10410/03.05.344/2007-08]

V. S. DAS, Executive Director

कर्मचारीलय, मुख्य आयकर आयुक्त,

जयपुर, 10 अप्रैल, 2008

सं. 02/2008-09

का.आ. 879.—आयकर नियम, 1962 के नियम 2 सी के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43 वा) की धारा 10 के खंड (23सी) की उपधारा (iv) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा निधि रिण वर्ष 2007-08 एवम आगे के लिए कथित धारा के उद्देश्य से “प्रग्या चैतन्य कारबंडेशन ट्रस्ट, जयपुर” को स्वीकृति देते हैं।

बशर्ते कि समिति आयकर नियम 1962 के नियम 2 सी के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23सी) की उपधारा (iv) के प्रावधाराओं को अनुरूप करें।

[क्रमांक:मुआआ/अवाइट/(समन्वय)/जय/II(23सी)(iv)/08-09/163]

एस. सी. कपिल, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Jaipur, the 10th April, 2008

No. 02/2008-09

S.O. 879.—In exercise of the powers conferred by Sub-Clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2C of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves “Pragya Chaitanya Foundation Trust, Jaipur” for the purpose of the said section for the A.Y. 2007-08 & onwards:

Provided that the society conforms to and complies with the provisions of sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2C of the Income-tax Rules, 1962.

[No.CCIT/JPR/Addl.CIT(Coord.)Y10(23C)(iv)/
2008-09/163]

S. C. KAPIL, Chief Commissioner of
Income-tax

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 10 अप्रैल, 2008

का.आ. 880.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5घ के

स्थान प्रठित आकार अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोगनार्थ 1-4-2006 से संगठन मैसर्स इंडियन एसोसिएशन फॉर सी कलटीवेशन ऑफ साइंस, कोलकाता को निम्नलिखित शर्तों के अधीन अनुसंधान कार्यकालप में अंतिक रूप से संगठन 'वैज्ञानिक अनुसंधान संघ' की भेणी में अनुमोदित किया गया है, अथवा:-

- (i) अनुमोदित संगठन को प्रदृढ़ राशि का दायरोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने वासिकात छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग बही खाता रखेगा जिसमें अनुसंधान कार्य करने के लिए प्रयुक्त राशि को दराएगा तथा, उक्त अधिनियम की धारा 288 की उपधारा (2) के स्पष्टीकरण में यथा परिभ्राष्ट किसी सेक्युरिटी कार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे सेक्युरिटी कार द्वारा विविध सम्बन्धित एवं इसाधारित लेखा परीक्षा रिपोर्ट आपसे में वैज्ञानिकार रखने वाले आकार आद्यक्षता अथवा आकार प्रिदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त राशि इन अनुसंधान राशि का अलग विवरण रखेगा और उपयुक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विविध सार्वाधित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस से सेवी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा

(इ.) उपरा नियमकली के मियम इप और इप के साथ सहित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के अन्वयनों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 54/2008/प. सं. 203/43/2007-आ.का.नि.-II]
मुख्य पाल, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 10th April, 2008

S.O. 880.—It is hereby notified for general information that the organization M/s. Indian Association for the Cultivation of Science, Kolkata has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 3C and 5D of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2006/in the category of 'Scientific Research Association', subject to the following conditions, namely:-

- (i) The sole objective of the approved 'scientific research association' shall be to undertake scientific research;
- (ii) The approved organization shall carry on the scientific research activity by itself;
- (iii) The approved organization shall maintain books of accounts and get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 268 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:-

- (a) fails to maintain books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or

- (c) fails to furnish its statement of the donations received and amounts applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5D of the said Rules.

[Notification No. 54/2008/F. No. 203/43/2007/ITA-II]

SURENDER PAL, Under Secy.

गई दिल्ली, 16 अप्रैल, 2008

का. अ. 381.—सर्वेताधारण की जानकारी के लिए एतद्वाय
यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वाय आवकर
नियमावली, 1962 (उक्त नियमावली) के नियम 5N और 5P के
साथ घोषित जायकर अधिनियम, 1961 (उक्त अधिनियम) की धारा
35 की उपचारा (1) के छोड़ (ii) के प्रयोगनार्थ 1-4-2006 से
संगठन वैज्ञानिक अनुसंधान कार्यक्रम रिसर्च, मुम्बई को
नियमित रूप से संलग्न 'वैज्ञानिक
अनुसंधान संघ' द्वाय श्रेणी में अनुमोदित किया गया है, अर्थात्—

- (i) अनुमोदित 'वैज्ञानिक अनुसंधान संघ' मुक्त उद्देश्य
वैज्ञानिक अनुसंधान करना होगा;
- (ii) अनुमोदित संगठन स्वयं वैज्ञानिक अनुसंधान कार्यक्रम करना;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके
द्वाय प्राप्त राशि के संबंध में अलग बड़ी खाता रखेगा
जिसमें अनुसंधान कार्य करने के लिए प्रयुक्त राशि को
दर्शाएगा तथा, उक्त अधिनियम की धारा 288 की
उपचारा (2) के स्पष्टीकरण में वाय परिभाषित किसी
लेखाकार से अपनी खाता-भूमि की लेखा परीक्षा कराएगा
और उक्त अधिनियम की धारा 139 की उपचारा (1)
के अंतर्गत आव विवरणी प्रस्तुत करने की नियत तिथि
तक ऐसे लेखाकार द्वाय विधिक दस्तावेज एवं
इसके संगत लेखा परीक्षा रिपोर्ट याम्ले में लेखाकार
रखने वाले आवकर आवुकर अव्याप्त आव्याप्त आवकर निरेक्षा
को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त
करने वाले प्रयुक्त राशि का अलग विवरण रखेगा और
उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षा
द्वाय विधिक दस्तावेज विवरण को प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन व्यापित से संगी यदि अनुमोदित
संगठन—

- (क) घोषाक 1 के उप-घोषाक (iii) में डिस्लिभित
अलग लेखा बड़ी नहीं रखेगा; अथवा

- (ख) घोषाक 1 के उप-घोषाक (iii) में डिस्लिभित
अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा;
अथवा
- (ग) घोषाक 1 के उप-घोषाक (iv) में डिस्लिभित
वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान
का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा
इसके अनुसंधान कार्य को जावज नहीं पाक जाएगा;
अथवा
- (इ.) उक्त नियमावली के नियम 5G और 5P के साथ
परिणाम उक्त अधिनियम की धारा 35 की उपचारा
(1) के छोड़ (ii) के प्रयोगकार्यों के अनुहृत नहीं
होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 55/2008/पा. सं. 203/123/2007-आ.क.नि.-II]

सुरेन्द्र पाल, अवकर सचिव

New Delhi, the 10th April, 2008

S.O. 381.—It is hereby notified for general information that the organization M/s. Tata Institute of Fundamental Research, Mumbai has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5D of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2006 in the category of 'Scientific Research Association', subject to the following conditions, namely:—

- (i) The sole objective of the approved 'Scientific research association shall be to undertake scientific research;
- (ii) The approved organization shall carry out on the scientific research activity by itself;
- (iii) The approved organization shall maintain books of accounts and get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- fails to maintain books of accounts referred to in sub-paragraph (ii) of paragraph 1; or
- fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- fails to furnish its statement of the donations received and amounts applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- ceases to carry on its research activities or its research activities are not found to be genuine; or
- ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5D of the said Rules.

[Notification No. 53/2008/F. No. 203/123/2007/ITA-II]
SURENDER PAL, Under Secy.

मुख्य मिस्टर, 10 अप्रैल, 2008

का. अ. 382.—सर्वज्ञातान की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा अग्रकर नियमाला, 1962 (उक्त नियमाला) के नियम 5 और 5D के साथ संलग्न अग्रकर अधिनियम, 1961 (उक्त अधिनियम) की भाग 35 की उपचारा (1) के खंड (ii) के प्रयोगार्थ 1-4-2007 से संलग्न अग्रकर नियम नियमाला, नई दिल्ली द्वारा नियमित रूप से अधिनियम द्वारा दिया गया अनुसंधान संकायाप में अंतरिक कार्य से संलग्न 'नियमाला' की शर्तों में अनुमोदित किया जाता है, अर्थात् :—

- अनुमोदित संगठन को प्रदत्त राति का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा ;
- अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित सार्वजनिक सम्बन्धों से वैज्ञानिक अनुसंधान करेगा ;
- अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा द्वारा दिये गए संघर्ष में विद्यम वाही कार्य रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त योगी को दर्शाएगा तथा, उक्त अधिनियम की भाग 288 की उपचारा (2) के संलग्नकरण में वह प्रतिवादित विद्यी संस्कारक से आपनी उत्तर-वाही की सेवा परीक्षा कराएगा और उक्त अधिनियम की भाग 139 की उपचारा (1) के अंतर्गत अग्र नियमाला प्रस्तुत करने की नियम विधि तक ऐसे होकराम-द्वारा नियमित रूप इसांशकरित होकर परीक्षा रिपोर्ट चाहते हैं जो विविधकर रूपों वाले आग्रकर अनुसूत अवधार नियेतक को प्रस्तुत करेगा ;
- अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दाता द्वारा प्रयुक्त राति का अग्र नियम रखेगा और अनुसूत दाता परीक्षा रिपोर्ट के साथ सेवा परीक्षक द्वारा नियमित रूप विवरण दाता की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन विवित हो सेवी विवरण अनुमोदित संगठन :—

- पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अग्रम होकर वाही वाही रखेगा; अथवा
- पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी सेवा परीक्षा रिपोर्ट प्रस्तुत वाही करेगा ; अथवा
- पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए द्वारा दाता का अपना नियम प्रस्तुत वाही करेगा; अथवा
- अपना अनुसंधान कार्य कारब बांद कर देगा अग्रकर इसके अनुसंधान कार्य तो जाकर वाही पाया जाएगा; अथवा
- उक्त नियमाला के नियम 5 वा और 5D के सभी प्रतिवाद उक्त अधिनियम की भाग 35 की उपचारा (1) के खंड (ii) के संलग्नता के अनुकूल वाही होना चाहिए।

[अधिसूचना सं. 53/2008/पा. स. 203/36/2006—अक्टूबर-II]

मुख्य मिस्टर, अग्र नियमित

New Delhi, the 10th April, 2008

S.O. 382.—It is hereby notified for general information that the organization Jawaharlal Nehru University, New Delhi, has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5D of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2007 in the category of 'University', partly engaged in research activities subject to the following conditions, namely :—

- The sums paid to the approved organization shall be utilized for scientific research;
- The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the

auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:-

- (a) fails to maintain separate book of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5E and 5D of the said Rules.

[Notification No. 53/2008/F, No. 203/56/2006/ITA-II]

SURENDER PAL, Under Secy.

नई दिल्ली, 10 अप्रैल, 2008

का. आ. 883.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5 ग और 5 ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) को धारा 35 की उपधारा (1) के खंड (ii) के प्रयोगनार्थ 1-4-1998 से संगठन वाहिया इंस्टीट्यूट ऑफ हिमालयन ज्योलॉजी, देहरादून को निम्नालिखित शर्तों के अधीन आंशिक रूप से शोध कार्य में संलग्न 'अन्य संस्था' की क्षेत्रीयें अनुमोदित किया गया है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामोंकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त गर्हि के संबंध में अलग बही खाता रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि को दर्शाएगा तथा, उक्त अधिनियम की धारा 288 की उपधारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी छाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे सेक्षाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित सेखा परीक्षा रिपोर्ट भासले में क्षेत्राधिकार रखने वाले आयकर आमुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए ग्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक

द्वारा विधिवत सत्यापित विवरण को प्रति प्रस्तुत करेगा।
2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में डिल्लिखित अलग लेखा वही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में डिल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में डिल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (इ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 51/2008/पा. सं. 203/86/2007-आ.क.नि.-II]

सुरेन्द्र पाल, अमर सचिव

New Delhi, the 10th April, 2008

S.O. 883.—It is hereby notified for general information that the organization Wadia Institute of Himalayan Geology, Dehradun has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-1998 in the category of 'Other Institution', partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received

and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:-

- fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- ceases to carry on its research activities or its research activities are not found to be genuine; or
- ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 51/2008/F. No. 203/36/2007/IT-A-II]
SURENDER PAL, Under Secy.

नई दिल्ली, 10 अप्रैल, 2008

का. अ. 884.—संगठन की आवश्यकता के लिए एतद्वारा यह अधिसूचित किया जाता है कि सेन्ट्रल सरकार द्वारा आयकर नियमावली, 1962 (उक्त विकासवाली) के नियम 5ग और 5ड के साथ प्रतिटा आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के छंट (ii) के प्रयोजनार्थ 1-4-2007 से संगठन बनारस हिन्दू विश्वविद्यालय, वाराणसी को निम्नलिखित शर्तों के अधीन अनुसंधान कार्यक्रमालय में औरिजिनल रूप से संलग्न 'विश्वविद्यालय' की ओरीं में अनुमोदित किया गया है, अवश्य:-

- अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामीकृत स्थानों के व्यापक से वैज्ञानिक अनुसंधान करेगा;
- अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग भी खाता रखेगा जिसमें अनुसंधान कार्य करने के लिए प्रयुक्त राशि को दराएँगा तथा, उक्त अधिनियम की धारा 288 की उपधारा (2) के स्वाक्षरतय में यथा वरिष्ठावित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा करायेंगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय विवरणों प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विभिन्न संस्थापित एवं हस्ताक्षित लेंडी परीक्षा रिपोर्ट भागें में क्रमिकता

रखने वाले आयकर आमुदात अथवा उत्तरान निदेशक को प्रस्तुत करेगा;

(iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेंगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के समय सेवा परीक्षक द्वारा विभिन्न संस्थापित विवरण की प्रौद्योगिकी प्रस्तुत करेगा।

2. सेन्ट्रल सरकार यह अनुमोदित आधिकारी संगठन :-

- पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित असंग लेखा बही नहीं रखेगा; अथवा
- पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी सेवा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- पैराग्राफ 1 के 'उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- अपना अनुसंधान कार्य को जापन नहीं पाया जाएगा; अथवा
- उक्त नियमावली के नियम 5ग और 5ड के साथ उपर्युक्त उक्त अधिनियम की धारा 35 की उपधारा (1) के छंट (ii) के प्रयोजनार्थ के अनुरूप नहीं होगा तथा उक्त कालान नहीं करेगा।

[अधिसूचना सं. 52/2008/प्र. सं. 203/14/2008-आ.क.नि.-II]
सुरेन्द्र पाल, अवर सचिव

New Delhi, the 10th April, 2008

S.O. 884.—It is hereby notified for general information that the organization Benares Hindu University, Varanasi, has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2007 in the category of 'University', partly engaged in research activities subject to the following conditions; namely:-

- The sums paid to the approved organization shall be utilized for scientific research;
- The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying

out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;

- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 52/2008/F. No. 203/14/2008/ITA-II]

SURENDER PAL, Under Secy.

नई दिल्ली, 11 अप्रैल, 2008

आयकर

का. आ. 885.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 36 की उपधारा (1) के खंड (xii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एटद्वारा डेवरी और अन्य कृषि आधारित सम्बद्ध उद्योगों और वैज्ञानिकों के विकास के लिए राष्ट्रीय डेवरी विकास बोर्ड अधिनियम, 1987 (1987 का 37) की धारा 4 के अन्तर्गत संस्थापित राष्ट्रीय डेवरी विकास बोर्ड को उक्त खंड के प्रयोगनार्थ निम्नलिखित शर्तों के अधीन अधिसूचित करती है, नामतः—

- (i) व्यय जिसका आयकर अधिनियम, 1961 के अन्तर्गत कटौती प्रोग्राम किया गया है, राष्ट्रीय डेवरी विकास

बोर्ड अधिनियम, 1987 (1987 का 37) द्वारा प्राधिकृत उद्योगों एवं प्रयोगान्वयों के लिए किया गया है;

- (ii) ऐसा व्यय पूर्जीवत व्यय की प्रकृति का नहीं है;
- (iii) ऐसा व्यय आयकर अधिनियम, 1961 के किन्हीं अन्य प्रयोगान्वयों के अन्तर्गत कटौती के लिए पात्र नहीं है; तथा
- (iv) उक्त खंड के अन्तर्गत दावाकृत व्यय का एक अलग खाता राष्ट्रीय डेवरी विकास बोर्ड द्वारा रखा जाता है।

2. यह अधिसूचना 1 अप्रैल, 2008 से अर्थात् कर निर्धारण वर्ष 2008-09 और प्रकर्त्ता कर निर्धारण वर्षों के लिए लागू होगी।

[अधिसूचना सं. 56/2008/फ. सं. 225/60/2008-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

New Delhi, the 11th April, 2008

INCOMETAX

S.O. 885.—In exercise of the powers conferred by clause (xii) of sub-section (1) of Section 36 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies for the purposes of the said clause, the National Dairy Development Board established under section 4 of the National Dairy Development Board Act, 1987 (37 of 1987) for the development of dairy and other agriculture based allied industries and biologicals, subject to the following conditions, namely :—

- (i) the expenditure, claimed as deductible under the Income-tax Act, 1961 is incurred for the objects and purposes authorized by the National Dairy Development Board Act, 1987 (37 of 1987);
- (ii) such expenditure is not in the nature of capital expenditure;
- (iii) such expenditure is not eligible for deduction under any other provision of the Income-tax Act, 1961; and
- (iv) a separate account of the expenditure claimed under the said clause is maintained by the National Dairy Development Board.

2. This notification shall be applicable with effect from 1st day of April, 2008, that is, for the assessment year 2008-09 and subsequent assessment years.

[Notification No. 56/2008/F. No. 225/60/2008-ITA-II]

SURENDER PAL, Under Secy.

(विधिय सेवाएँ विभाग)

राज्यपत्र

नई दिल्ली, 16 अप्रैल, 2008

का. आ. 886.—भारत के असाधारण राजपत्र के भाग II, खण्ड 3, उपखण्ड (ii) दिनांक 21 दिसम्बर, 2005 को प्रकाशित, दिनांक 21 दिसम्बर, 2005 के वित्त मंत्रालय, भार्यक कार्य विभाग

(वैकिन प्रकाश) की असाधारण अधिसूचना संख्या का. आ. 1791(ज) में, पृष्ठ 9 की पॉक्ट 8 में आंशिक संशोधन करते हुए "शेयर पूँजी जमा-उद्देश कराए दस लाख और पचाहतर हजार" शब्दों को "शेयर पूँजी जमा—चौंहीस करोड़ पाँच लाख अस्ती हजार और तीन सौ साठ" पढ़ा जाए।

[का. सं. 1/4/2006-आरआरपी]

एम. के. मल्होत्रा, उप सचिव

(Department of Financial Services)

CORRIGENDUM

New Delhi, the 16th April, 2008

S.O. 886.—In partial modification of Ministry of Finance, Department of Economic Affairs, Banking Division's Extraordinary notification No. S.O. 1791(E) dated 21-12-2005 published in the Gazette of India Part II, Section-3 sub-section (ii) dated the 21st December, 2005, on Page No. 12 line No. 30 the words "Share Capital Deposit—Rupees twenty three crore ten lakh and seventy five thousand" may be read as "Share Capital Deposit—Rupees twenty four crore five lakh eighty thousand and three hundred sixty".

[F. No. 1/4/2006-RRB]

M. K. MALHOTRA, Dy. Secy.

केन्द्रीय आर्थिक असूचना ब्यूरो

(कोर्पोरेशन ब्यूरो)

अधिकारी

नई दिल्ली, 22 अप्रैल, 2008

का. आ. 887.—यतः संयुक्त सचिव, भारत सरकार नियमों विवेदी मुद्रा संरक्षण और सत्कारी निवारण अधिनियम, 1974 (1974 का 52) की खण्ड 3 की उपधारा (1) के अन्तर्गत किये रखे से रोकित प्रथम की गई है, ने उक्त उपधारा के अधीन आरेत फाइल सं. 673/06/2008-सौ. गु. VIII दिनांक 14-03-2008 को आरी किया और जह निर्देश दिया कि श्री किंजेंद्र कुमार आग्राम, सुपूर्ण श्री उमा दत आग्राम, निवासी-सौ-3, सुनीत, कोपी कल्पलोगी, धाने (पूर्व), मुंबई, महाराष्ट्र ऐकाइफ्क पत्र सारी, मैसर्स लिमिटेड इंटरनेशनल, चान्दू-मेन्स, प्रथम फ्लॉर, 16, ग्राहिराह टॉटॉ, फॉर्ट, मुंबई-400001, को निष्ठा कर लिया जाए और ये उक्त केन्द्रीय कार्रवाई, पुणे में अधिकार में रखा जाए ताकि उन्हें विवर में चीजों की सत्कारी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विस्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वर्य को छिप रखा है विस्तर से यह आरेत निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की खारा 7 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त वापिस का प्रयोग करते हुए केन्द्रीय सरकार

एतद्वाय पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह जास्तीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के बीतर पुलिस आमुक्त, आणे (परिचय), महाराष्ट्र के सम्बुद्ध उपस्थिति हो।

[का. सं. 673/06/2008-सौ. गु. VIII]

वी. के. खना, उप सचिव

CENTRAL ECONOMIC INTELLIGENCE BUREAU

(COFEPOSA UNIT)

ORDER

New Delhi, the 22nd April, 2008

S.O. 887.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/06/2008-Cus. VIII, dated 14-03-2008 under the said sub-section directing that Shri Vinod Kumar Agarwal, son of Shri Uma Dutt Agarwal, R/o C-3, Sunita, Kopri Colony, Thane (East), Mumbai, Maharashtra ; Alternate address—Partner, M/s. Ruchika International, Banu Mansion 1st Floor, 16, Nadrishah Street, Fort, Mumbai-400001, be detained and kept in custody in Yerwada Central Prison, Pune with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Thane (W), Maharashtra within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/06/2008-Cus. VIII]

V. K. KHANNA, Dy. Secy.

(आर्थिक जारी विभाग)

नई दिल्ली, 23 अप्रैल, 2008

का. आ. 888.—केन्द्रीय सरकार, राजमाना (हर्ष के जास्तीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यज्ञ संस्थापित, 1987) के नियम 10 के उप नियम (4) के अनुसरण में, विज्ञ अंतर्राष्ट्रीय आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में भारत प्रतिष्ठित मुद्रा और मुद्रा नियंत्रण नियम लिमिटेड, कारपोरेट कार्पोरेशन, नई दिल्ली, नियम 80 उत्तीर्ण से अधिक कर्तव्यानुभूत ने हिंदी का वार्तालालक रूप प्राप्त कर लिया है, को एकद्वारा अधिसूचित करती है।

[सं. 11013/3/2008-हिंकर]

अभ्यरण, नियंत्रक (कार्पोरेशन)

(Department of Economic Affairs)

New Delhi, the 23rd April, 2008

S.O. 888.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government, hereby, notifies the Security Printing and Minting Corporation of India Limited, Corporate Office, New Delhi, under the administrative control of Ministry of Finance, Department of Economic Affairs, whereof more than 80% of staff have acquired working knowledge of Hindi.

[No. 11013/3/2008-HIC]

AMARNATH, Director (OL)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 28 मार्च, 2008

का. आ. 889.—मात्रीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से पहचान करने के पश्चात् उक्त अधिनियम को प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में “राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय बैंगलूरु, कर्नाटक” के सामने शीर्षक “मान्यता प्राप्त विकित्सा व्याहंका” [स्तम्भ (2) में] के अन्तर्गत तथा शीर्षक ‘पंजीकरण के लिए संकेतण’ [स्तम्भ (3) में] के अन्तर्गत निम्नलिखित रखा जाएगा अर्थात् :—

(2)	(3)
वैचलर ऑफ मेडिसिन एंड वैचलर ऑफ सर्जरी	एम.बी.बी.एस. (यह एक मान्यताप्राप्त विकित्सा अहंका होगी यदि यह वस्त्रेश्वर मेडिकल कॉलेज, चित्रदुर्ग, कर्नाटक में प्रशिक्षित छात्रों के सम्बन्ध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बैंगलूरु, कर्नाटक द्वारा वर्ष 2006 से प्रदान की गई हो)
[सं. यू. 12012/112/1999-एम्फ (पी-II)]	

एन. बारिक, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 28th March, 2008

S.O. 889.—In exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government,

after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against “Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka” under the heading ‘Recognized Medical Qualification’ [in column (2)] and under the heading Abbreviation for Registration [in column (3)], the following shall be inserted, namely :—

(2)	(3)
Bachelor of Medicine and Bachelor of Surgery	M.B.B.S. (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka with the effect from the year 2006 in respect of students trained at Basaveshwara Medical College Chitradurga, Karnataka)

[No. U. 12012/112/1999-ME(P-II)]

N. BARIK, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 21 अप्रैल, 2008

का. आ. 890.—विद्युत अधिनियम, 2003 (2003 का 36) की धारा 162 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा सरकारी रजिस्ट्रेशन में इस अधिसूचना के प्रकाशन के पश्चात् कार्यभार ग्रहण करने की तरीख से श्री एस. क. उकराल, मुख्य अधिकारी, केंद्रीय विद्युत प्राधिकरण को मुख्य वैद्युत नियोजक के पद पर नियुक्त करती है।

[फा. सं. 42/4/2001-आर एंड आर]

आई. सी. पी. केसरी, संयुक्त सचिव

MINISTRY OF POWER

New Delhi, the 21st April, 2008

S.O. 890.—In exercise of the powers conferred by sub-section (1) of section 162 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby appoints Shri S. K. Thakral, Chief Engineer, Central Electricity Authority as Chief Electrical Inspector w.e.f. the date of assumption of charge after the publication of this notification in the Official Gazette.

[F. No. 42/4/2001-R&R]

I. C. P. KESHARI, Jr. Secy.

पेटोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 15 अप्रैल, 2008

आधिसूचना

का. आ. 891.—केन्द्रीय सरकार एतदद्वारा पेटोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) के बारा 8 की उपचारा (4) के अनुसारण मुद्रा—कठिन्डा कच्चे तेल पाइपलाइन के संदर्भ में, गुरु गोविन्द सिंह रिफाइनरीज लिमिटेड में निहित निम्नलिखित का. आ. नम्बर और अनुरूपी भारत के राजपत्र, मार्ग 2, खण्ड 3, उपखण्ड (ii) में प्रकाशित भूखण्डों में भूमि में उपयोग का अधिकार, एथपीसीएल—मिल्स पाइपलाइन्स लिमिटेड (गुरु गोविन्द सिंह रिफाइनरीज लिमिटेड की समनुबंधी) में निहित करते हैं।

राजपत्र सं०	प्रकाशन तारिख	का.आ.	राजपत्र सं०	प्रकाशन तारिख	का.आ.
49	फरवरी 7, 2002	3778	13	मार्च 29, 2003	1043
49	फरवरी 7, 2002	3780	13	मार्च 29, 2003	1044
13	मार्च 30, 2002	1092	13	मार्च 29, 2003	1045
16	अप्रैल 20, 2002	1324	18	मई 3, 2003	1337
16	अप्रैल 20, 2002	1325	19	मई 10, 2003	1386
16	अप्रैल 20, 2002	1326	19	मई 10, 2003	1387
22	जून 1, 2002	1796	26	जून 21, 2003	1701
22	जून 1, 2002	1800	25	जून 21, 2003	1704
23	जून 8, 2002	1877	31	अगस्त 2, 2003	2198
25	जून 22, 2002	2062	31	अगस्त 2, 2003	2199
25	जून 22, 2002	2063	31	अगस्त 2, 2003	2200
26	जुलाई 13, 2002	2298	35	अगस्त 30, 2003	2471
29	जुलाई 20, 2002	2350	37	सितम्बर 13, 2003	2592
34	अगस्त 24, 2002	2695	38	सितम्बर 20, 2003	2647
39	सितम्बर 28, 2002	3078	38	सितम्बर 20, 2003	2648
44	नवम्बर 2, 2002	3468	39	सितम्बर 27, 2003	2721
46	नवम्बर 9, 2002	3534	39	सितम्बर 27, 2003	2722
47	नवम्बर 23, 2002	3676	40	अक्टूबर 4, 2003	1387
48	नवम्बर 30, 2002	3725	40	अक्टूबर 4, 2003	2637
50	दिसम्बर 14, 2002	3850	43	अक्टूबर 25, 2003	2059
50	दिसम्बर 14, 2002	3853	11	मार्च 13, 2004	608
52	दिसम्बर 28, 2002	4008	11	मार्च 13, 2004	609
3	जनवरी 18, 2003	221	12	मार्च 20, 2004	670
5	फरवरी 1, 2003	374	13	मार्च 27, 2004	750
6	फरवरी 8, 2003	477	13	मार्च 27, 2004	751

राजपत्र सं०	प्रकाशन तारिख	का.आ.	राजपत्र सं०	प्रकाशन तारिख	का.आ.
8	फरवरी 22, 2003	630	13	मार्च 27, 2004	753
8	फरवरी 22, 2003	633	13	मार्च 27, 2004	755
8	फरवरी 22, 2003	634	13	मार्च 27, 2004	756
9	मार्च 1, 2003	718	14	अप्रैल 3, 2004	827
11	मार्च 15, 2003	870	14	अप्रैल 3, 2004	828
11	मार्च 15, 2003	871	14	अप्रैल 3, 2004	829
11	मार्च 15, 2003	877	15	अप्रैल 10, 2004	878
11	मार्च 15, 2003	878	15	अप्रैल 10, 2004	880
12	मार्च 22, 2003	974	18	मई 1, 2004	1083
12	मार्च 22, 2003	975	29	जुलाई 17, 2004	1690
12	मार्च 22, 2003	976	38	सितम्बर 18, 2004	2317

[पा. सं. आर-31015/12/2008-ओआर-II]

ए. गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 15th April, 2008

NOTIFICATION

S. O. 891.—The Union Government hereby vests the Right of User in Land in respect of Mundra - Bathinda Crude Oil Pipeline, for the plots of land vested with Guru Gobind Singh Refineries Limited, pursuant to Clause (4) of Section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), published in the following S.O. numbers and the corresponding Gazettes of India, Part-II, Section-3, Sub-section (ii), in HPCL-Mittal Pipelines Limited (a subsidiary of Guru Gobind Singh Refineries Limited):

GAZETTE NO.	GAZETTE DATE	S.O. NO.	GAZETTE NO.	GAZETTE DATE	S.O. NO.
49	February 7, 2002	3778	13	March 28, 2003	1043
49	February 7, 2002	3780	13	March 29, 2003	1044
13	March 30, 2002	1092	13	March 29, 2003	1045
16	April 20, 2002	1324	18	May 3, 2003	1337
16	April 20, 2002	1325	19	May 10, 2003	1386
16	April 20, 2002	1326	19	May 10, 2003	1387
22	June 1, 2002	1796	25	June 21, 2003	1701
22	June 1, 2002	1800	25	June 21, 2003	1704
23	June 8, 2002	1877	31	August 2, 2003	2198
25	June 22, 2002	2062	31	August 2, 2003	2199
25	June 22, 2002	2063	31	August 2, 2003	2200
28	July 13, 2002	2298	35	August 30, 2003	2471
29	July 20, 2002	2350	37	September 13, 2003	2592
34	August 24, 2002	2695	38	September 20, 2003	2647
39	September 28, 2002	3078	38	September 20, 2003	2648
44	November 2, 2002	3468	39	September 27, 2003	2721
45	November 9, 2002	3534	39	September 27, 2003	2722

GAZETTE NO.	GAZETTE DATE	S.O. NO.	GAZETTE NO.	GAZETTE DATE	S.O. NO.
47	November 23, 2002	3676	40	October 4, 2003	1367
48	November 30, 2002	3725	40	October 4, 2003	1368
50	December 14, 2002	3850	43	October 25, 2003	3059
50	December 14, 2002	3853	11	March 13, 2004	608
52	December 26, 2002	4006	11	March 13, 2004	609
3	January 18, 2003	221	12	March 20, 2004	670
5	February 1, 2003	374	13	March 27, 2004	750
6	February 8, 2003	477	13	March 27, 2004	751
8	February 22, 2003	630	13	March 27, 2004	753
8	February 22, 2003	633	13	March 27, 2004	755
8	February 22, 2003	634	13	March 27, 2004	756
9	March 1, 2003	718	14	April 3, 2004	827
11	March 15, 2003	870	14	April 3, 2004	828
11	March 15, 2003	871	14	April 3, 2004	829
11	March 15, 2003	877	15	April 10, 2004	878
11	March 15, 2003	878	15	April 10, 2004	880
12	March 22, 2003	974	18	May 1, 2004	1085
12	March 22, 2003	975	29	July 17, 2004	1086
12	March 22, 2003	976	38	September 18, 2004	2317

[F. No. R-31015/12/2008-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 24 अप्रैल, 2008

का. आ. 892.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकसभा में यह आवश्यक है कि कर्नाटक राज्य में देवनगोदी से नया बैंगलोर अन्तर्राष्ट्रीय एअरपोर्ट, देवनहल्ली तक पेट्रोलियम उत्पादन की परिवहन के लिये इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए।

और ऐसा प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपलब्ध अनुसूची से वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन भूमि से उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की थारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में हितबद्ध कोई व्यक्ति, उस तारीख से, जिसको राज्यपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इक्सीस दिनों के भीतर, भूमि के उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के संबंध में लिखित रूप में आक्षेप श्री आर. आर. जन्म साम प्राधिकारी (कर्नाटक), इंडियन ऑयल कार्पोरेशन लिमिटेड, देवनगोदी से नया बैंगलोर अन्तर्राष्ट्रीय एअरपोर्ट देवनहल्ली तक एटीएफ पाइपलाइन परियोजना, नं 719, गैड फ्लोर, 4 प्लास, 7 मैन कल्याण नगर, 1 ब्लॉक बैंगलोर-560043, कर्नाटक को भेज सकेगा।

अनुसूची

तालुका इहोसकोटे

जिला ३ बैंगलोर सरल

राज्य ३ कर्नाटक

गाँव का नाम	सर्वे नंबर	हिस्सा नंबर	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर
1	2	3	4	5	6

होखी ३ कंसला

दोइङ हुल्लू 75 6 0 05 56

[फा. सं. आर-25011/३/2007-ओ.आर-१]
एस. को. चिट्कारा, अवर सचिव

New Delhi, the 24th April, 2008

S. O. 892.— Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of petroleum products from Devanagondhi to New Bangalore International Airport Devanahalli in the State of Karnataka, a pipeline should be laid by the Indian Oil Corporation Limited.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land, to Shri R.R.Jannu, Competent Authority (Karnataka), Indian Oil Corporation Limited, Devanagondhi to New Bangalore International Airport Devanahalli ATF Pipeline Project, No.719, Ground Floor, 4th Cross, 7th Main, Kalyna Nagar, 1st Block Bangalore-560043 (Karnataka).

SCHEDULE

Taluk : Hoskote		District : Bangalore Rural		State : Karnataka		
Name of the Village	Survey no.	Sub-Division no.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	7

Hobli : Kasaba

DODDAHULLURU 75 6 0 05 56

[F. No. R-25011/3/2007-O.R.4]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 24 अप्रैल, 2008

मा. आ. 893.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में स्थापित कोयली — दहेज पाइपलाइन की शाखा आमोद से हजार तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड, द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के भीतर पाइपलाइन बिछाए जाने के संबंध में, श्रीमती आशा आर. शाह, सक्षम प्राधिकारी (गुजरात), इंडियन ऑयल कार्पोरेशन लिमिटेड, मकान नं. 3/122, गुजरात रिफाइनरी टाउनशिप, पी. आ. जवाहरनगर, वडोदरा — 391 320, (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

राज्य	ज़िला	तालुका	गाँव	सर्वेक्षण सं.	उप - स्थान सं.	दोत्रफल		
						खण्ड सं.	हेक्टेयर	एयर
1	2	3	4	5	6	7	8	9
गुजरात	भरuch	आमोद	इटोला	210		00	13	71
				211		00	13	22
				212		00	12	10
				226		00	05	06
				290		00	39	80
				269		00	08	20
				281		00	14	45
				282		00	22	71
				283		00	00	51
				385		00	22	42
				386		00	00	32
				384		00	00	45
				382		00	16	13
				376		00	05	30
				375		00	04	82
				374		00	12	77
				360		00	05	54
				369		00	26	26
				451		00	04	25
				462		00	16	13
				480		00	08	41
				461		00	12	15
				459		00	04	52
				489		00	08	95
				488		00	08	53
				490		00	00	05
				491		00	14	51
				493		00	17	52
कोलवणा				782		00	19	44
				781		00	15	77
				764		00	02	21
				780		00	06	09
				772		00	00	70
				779		00	09	10
				785		00	19	81
				776		00	21	04
				791		00	00	05
				773		00	01	44
				792		00	19	07
				793		00	25	06
				827		00	11	45
				828		00	00	45
				826		00	18	32
				852		00	05	71
				851		00	23	76
				850		00	10	31
				853		00	00	08
				1026		00	09	23
				1015		00	00	36
				1017		00	01	44

वागरा वीर्जीआड 133
136

1	2	3	4	5	6	7	8	9
			बीमीआड (जारी)	136	B	00	07	72
				142		00	35	57
				114		00	36	53
				92	A/1	00	07	77
				92	A/2	00	35	64
				92	B	00	29	34
				93		00	25	06
				81	1	00	59	16
			साथ्य	121				
				120		00	14	19
				120	A	00	41	76
				145	B	00	42	50
				135		01	04	11
				150		00	16	92
				163		00	10	75
				168		00	32	50
				169		00	17	17
				167		00	14	66
				185		00	10	05
				189		00	26	71
				181		00	04	55
				180		00	51	25
				211		00	11	51
				210		00	24	26
				212		00	11	69
				214		00	23	87
				213		00	03	49
				225		00	52	34
						00	00	97
			वागरा	682				
				683		00	12	42
				728	A	00	20	62
				727		00	00	05
				724		00	16	99
				723		00	01	15
				709		00	08	58
				722		00	01	83
				711		00	05	98
				713		00	05	41
				714		00	08	00
				720		00	03	42
				719		00	12	82
				718		00	15	87
				746		00	06	48
				752		00	27	83
				762		00	34	33
				764		00	24	41
				765		00	11	12
				795		00	31	56
				796		00	14	44
						00	00	90
			पीताम्ब	66				
				67		00	61	34
				71		00	16	20
						00	00	74

प्राचीन ग्रन्थालय, काशी 26, 200004 फ़ैसला 4-1939

1901

1	2	3	4	5	6	7	8
			पोसाद (जारी)	10	11	12	13
				78	00	25	71
			सातम	38	00	03	92
				40	00	14	81
				38	00	07	26
				41	00	12	02
				37	00	30	49
				51	00	16	50
				22	00	21	58
				20	00	19	75
				12	00	37	37
				17	00	21	38
				83	00	04	35
				82	00	25	72
				91	00	07	64
				109	00	09	01
				109	00	12	92
				110	00	00	33
				117	00	19	78
				160	00	00	05
				149	00	21	14
				166	00	16	55
				147	00	01	44
				167	00	24	28
				168	00	13	59
				169	00	51	60
				195	00	32	16
				180	00	51	88
				188	00	45	57
				240	00	02	77
			सातवा	113	00	15	40
				114	00	08	84
				115	00	12	17
				116	00	10	04
				140	00	19	97
				141	00	05	31
				162	00	08	52
				164	00	07	87
				153	00	23	98
				166	00	15	79
				167	00	55	80
				170	00	41	53
				223	00	20	83
				409	00	15	56
				227	00	08	94
				228	00	08	56
				229	00	22	89
				232	00	25	50
				265	00	37	59
				256	00	24	54
				257	00	38	05
				270	00	33	91
				269	00	42	07
				270	00	10	07

1	2	3	4	5	6	7	8	9
			संख्या (जारी)	275				
				277		00	10	26
				283		00	21	51
				285		00	21	59
				284		00	18	49
				410		00	17	52
				295		00	22	21
				308		00	30	36
				283		00	19	32
				310		00	29	70
						00	29	51
			प्रक्रम	अमलेष्वर	1012			
					1013	00	09	23
					1014	00	14	78
					1031	00	56	56
					1032	00	50	29
					1038	00	22	37
					1042	00	07	35
					1039	00	81	67
					1048	00	00	20
					1045	00	00	14
					951	00	24	96
					952	00	09	87
					941	00	07	28
					950	00	13	78
					942	00	06	38
					944	00	07	28
					948	00	08	28
					940	00	00	05
					946	00	02	51
					888	00	06	29
					891	00	32	04
					877	00	32	47
					878	00	58	77
					875	00	02	45
					872	00	18	47
					867	00	09	15
					861	00	15	21
					865	00	27	04
					864	00	13	16
					778	00	23	61
					779	00	09	56
						00	03	45
			संख्यांड	26				
				40		00	48	92
				41		00	12	35
				42		00	33	66
				72		00	01	22
				71		00	04	78
				68		00	16	09
				70	P	00	23	78
				69		00	10	63
				68		00	07	22
				92		00	40	29
						00	05	14

2	3	4	5	6	7	8	9
		नंबरा	110		00	00	54
			111		00	01	72
			112		00	20	36
			134		00	05	15
			136		00	12	57
			135		00	10	48
			139		00	01	00
			146		00	13	90
			146		00	16	31
			149		00	19	07
			150		00	07	79
			128	P	00	00	25
			150	P	00	00	19
			180		00	18	52
			182		00	23	25
			182	P	00	20	89
			217		00	18	89
			216		00	12	87
			214		00	15	52
			312		00	18	82
			311		00	01	74
			313		00	14	00
			310		00	29	55
			309		00	03	13
			270		00	14	00
			324		00	17	00
			274		00	29	05
			277		00	04	42
		मुख्यालय	277		00	04	29
		(भारत)	188		00	29	75
			188		00	10	23
			187		00	15	40
			196		00	25	04
			199		00	20	45
			180		00	07	02
			178		00	17	90
			200		00	08	78
			201		00	15	38
			202		00	13	94
			179		00	10	22
			252		00	05	67
			248		00	55	81
			249		00	01	54
			246		00	00	15
			313		00	23	89
			316		00	21	51
			317		00	13	98
			316		00	01	67
			330		00	27	85
			340		00	07	83
			341		00	00	18
			337		00	19	10
			344		00	19	95
			376		00	19	78
			369		00	45	24

1	2	3	4	5	6	7	8	9
			मुस्ताफाबाद	375		00	00	48
			(भारत)	370		00	06	64
			(जारी)	371		00	06	86
				437		00	30	53
				438		00	03	26
				445		00	14	16
		अंकलेखर	घंटुरीया	361		01	52	36
				363		00	12	09
				381		00	06	99
				373		00	11	82
				372		00	15	20
				337		00	15	32
				338		00	08	38
				314		00	11	29
				330		00	25	98
				317		00	12	44
				318		00	32	18
				316		00	00	07
				319		00	23	34
				297		00	12	57
				296		00	18	11
				279		00	06	45
				280		00	05	96
				281		00	14	16
				282		00	00	66
				283		00	26	86
				284		00	13	98
				240		00	11	25
				175		00	07	47
				176		00	25	48
				177		00	15	61
				178		00	04	87
				179		00	12	43
				180		00	06	10
				133		00	06	67
				92		00	18	10
				91		00	17	83
				80		00	17	46
				62		00	07	67
				63		00	10	14
				60		00	07	15
				55		00	18	47
				54		00	09	59
				18		00	14	62
				44		00	12	94
				43		00	05	78
				42		00	56	90
				23		00	12	12
				24		00	02	84
				25		00	15	32
				28		00	00	36
				26		00	00	76
				27		00	23	76
				29		00	09	58

नाटीओड	509			00	75	10	
	510			00	89	19	
	507			00	06	90	
	580			00	24	89	
	549			00	13	71	
	548			00	12	68	
	636			00	04	87	
	636			00	04	19	
	635			00	26	61	
	638			00	15	35	
	640			00	13	29	
	642			00	14	62	
	667			00	13	50	
	658			00	23	56	
	660			00	00	05	
	661			00	18	91	
	662			00	19	20	
	669			00	01	02	
	667			00	16	07	
	666			00	15	90	
	220			00	16	38	
	219			00	33	74	
	218			00	21	17	
	217			00	26	47	
	214			00	09	30	
	209			00	17	12	
	189			00	12	93	
	190			00	10	07	
	166			00	02	40	
	179			00	18	87	
	180			00	14	10	
	181			00	01	99	
	171			00	25	34	
	170			00	19	85	
	165			00	09	65	
	164			00	09	97	
	163			00	28	77	
	130			00	19	46	
हांसोट	मोठिया	33		00	02	06	
		57		00	15	42	
		56		00	16	87	
		59		00	09	80	
		60		00	07	24	
		61		00	16	84	
		62		00	08	79	
		62		00	19	82	
		93		00	18	26	
		219		00	02	53	
दीगस		583		00	05	31	
		586		00	37	45	
		609		00	21	77	
		608	A	00	03	22	
		608	B	00	16	16	
		614	B	00	00	76	

1	2	3	4	5	6	7	8	9
			दीगत (जारी)	615		00	25	92
				643		00	22	08
				616		00	00	72
				617		00	01	61
				642		00	07	50
				618		00	01	95
				619		00	02	01
				624		00	08	60
				526		00	33	55
				527		00	10	23
				532		00	07	88
				529		00	05	30
				531		00	32	81
				505		00	03	21
				503	A	00	11	63
				503	B	00	18	04
				492		00	25	51
				473		00	18	50
				470		00	16	64
				464		00	25	83
				450		00	23	56
				451		00	16	58
				452		00	03	60
				453		00	08	70
				454		00	15	73
				442		00	00	81
				440		00	20	41
				436		00	11	49
				437		00	15	78
				416	A	00	27	64
				416	B	00	07	99
				404		00	54	02
				403		00	12	18
				401		00	09	27
				402	B	00	08	06
				393		00	14	29
				316		00	18	58
				317		00	44	88
				347		00	13	06
				352		00	14	90
				354		00	18	83
				361		00	17	24
				360		00	01	79
				338		00	23	26
				362		00	05	10
अंकलेख्यर		भोतवाण		172		00	03	70
				173		00	17	32
				191		00	10	42
हास्टोट		कलम		26	F	00	14	39
				57		00	05	51
				58		00	04	90
				59		00	16	54
				60		00	15	74
				5		00	10	67

[परा III—प्रभाग 3(ii)]

सत्र का अंकराज़ : अंकत 26, 2000/प्रभाग 6, 1930

1907

1	2	3	4	5	6	7	8	9
			कलम	61		00	19	56
			(जारी)	67	A/2	00	06	26
				67	6	00	03	23
				68		00	10	07
				69		00	06	96
				74		00	06	58
				75		00	16	99
				76		00	04	87
				76		00	31	07
				77		00	02	46
				84		00	37	42
				28	G	00	01	16
			सोहीव	526	A	00	00	47
				523		00	13	82
				494		00	08	99
				495		00	07	43
				496		00	06	40
				521		00	14	55
				620		00	12	38
				519		00	12	77
				476		00	16	44
				476	A	00	06	93
				474		00	06	98
				500	A	00	00	95
				601	A	00	31	47
				502		00	15	47
				503		00	03	69
				363		00	12	52
				363		00	09	86
				364		00	02	76
				365		00	04	89
				366		00	14	82
				367		00	05	32
				368		00	06	27
				369		00	20	41
				360		00	08	73
				264		00	03	41
				281		00	04	08
				280	A	00	15	93
				276		00	20	47
				279		00	00	98
				265		00	13	99
				277	A	00	14	70
				268		00	06	73
				269	A	00	01	34
				269	B	00	00	06
				271		00	10	93
				270		00	13	17
				256	B	00	09	59
				256		00	09	
			कुडादरा	136		00	09	57
				153		00	00	05
				152		00	13	94
				145		00	16	12

1	2	3	4	5	6	7	8	9
			कुडादसा	144		00	17	77
			(जासी)	143	A/2	00	10	73
				143	A/1	00	05	06
				143	A/3	00	01	49
				143	B/2	00	08	58
				139		00	08	44
				138		00	09	44
				137		00	07	92
				133		00	02	60
				82		00	13	57
				81		00	04	61
				86		00	09	11
				87		00	27	33
				88		00	23	86
				77		00	11	30
				75		00	09	53
				89		00	55	83
				92		00	00	34
				91		00	08	34
			परवट	418		00	21	86
				417		00	11	89
				415		00	58	85
				413		00	05	09
				414		00	01	68
				288		00	29	54
				286		00	01	06
				287		00	21	72
				285		00	00	15
				319		00	08	70
				320		00	18	45
				325		00	00	23
				324		00	21	09
				327		00	03	46
				328		00	59	80
				333		00	03	21
				370		00	06	40
				368		00	21	49
				384		00	33	84
				363		00	22	33
				341		00	35	98
				342		00	05	13
				340		00	03	21
				189		00	05	98
				188		00	03	64
				190		00	33	67
				186		00	04	84
				197		00	05	43
				198		00	15	13
				199		00	06	58
				200		00	15	77
				202		00	12	86
				203		00	01	87
				212		00	35	31
				211		00	00	65
				210		00	43	19

[पर्याय]—प्रकाश 34 (ii))

प्रारंभिक दस्तावेज़ : अंत 36, 2008/प्रारंभ 6, 1990

1999

1	2	3	4	5	6	7	8	9
			परवट	152		00	06	46
			(जारी)	150		00	15	86
				148		00	05	07
				149		00	12	22
				136		00	37	23
				133		00	33	80
			ओमा	183		00	13	22
				184		00	35	67
				185		00	03	07
				199		00	00	93
				171		00	21	84
				169		00	08	23
				186		00	19	32
				187		00	17	47
				217		00	08	15
				218		00	28	99
				219		00	01	34
				220		00	03	62
				181		00	22	01
				180		00	18	88
				144		00	06	47
				159		00	06	85
				146		00	02	39
				147		00	06	44
				158		00	02	94
				141		00	08	93
				156		00	21	95
				155		00	01	16
				128		00	00	94
				127		00	19	81
				128		00	08	86
				119		00	02	00
				118		00	20	07
				117		00	16	42
				112		00	06	85
				455		00	04	33
				456		00	23	97
				458		00	17	58
				73		00	08	62
				72		00	01	07
				70		00	20	79
				69		00	22	97
				47		00	23	58
				22		00	04	48
				23		00	04	50
				46		00	04	05
				24		00	07	49
				25		00	09	24
				1249		00	03	51
				1203		00	01	37
				1248		00	09	57
				1247		00	04	49
				1246		00	08	90
				1204		00	05	93
				1207		00	07	02

1	2	3	4	5	6	7	8	9
			ओमा	1208		00	13	93
			(जारी)	1211		00	07	14
				1212		00	02	66
				1215		00	26	41
				1216		00	00	05
				1143		00	02	34
				1142		00	08	93
				1141		00	03	71
				1129		00	05	07
				1133		00	00	05
				1130		00	00	05
				1131		00	06	61
				1132		00	17	43
				1123		00	08	01

[फा. सं. आर-25011/1/2008-ओआर-1]

एम. के. चित्कारा, अवर सचिव

New Delhi, the 24th April, 2008

S.O. 893.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Amod (Ex. Existing Koyali to Dahej Pipeline) to Hazira in the State of Gujarat, a branch pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Smt. Asha R. Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs. No. 3/122, Refinery Township, P.O. Jawaharnagar, Vadodara – 391 320 (Gujarat).

SCHEDULE

State	District	Taluka	Village	Survey / Block No.	Sub-Division No.	Area		
						Hect.	Are	Sq.mtr.
1	2	3	4	5	6	7	8	9
Gujarat	Bhanush	Armod	Intola	210		00	13	71
				211		00	13	22
				212		00	12	10
				226		00	05	05
				290		00	39	80
				269		00	09	20
				281		00	14	45
				282		00	22	71
				283		00	00	51
				385		00	22	42
				386		00	00	32
				384		00	00	45
				382		00	16	13
				376		00	05	30
				375		00	04	82
				374		00	12	77
				360		00	05	54
				369		00	26	26
				451		00	04	28
				462		00	16	13
				460		00	08	41
				461		00	12	15
				459		00	04	52
				489		00	08	95
				488		00	06	53
				490		00	00	05
				491		00	14	51
				493		00	17	52
		Kotwana		782		00	19	44
				781		00	15	77
				754		00	02	21
				780		00	05	09
				772		00	00	70
				779		00	09	10
				765		00	19	81
				776		00	21	04
				791		00	00	05
				773		00	01	44
				792		00	19	07
				793		00	25	06
				827		00	11	45
				828		00	00	45
				828		00	18	32
				852		00	05	71
				851		00	23	76
				850		00	10	31
				853		00	00	06
				1026		00	00	23
				1016		00	00	36

1	2	3	4	5	6	7	8	9
			Kolwana	1017		00	01	44
			(Contd.)	1018		00	02	15
				1019		00	01	87
				1025		00	05	64
				1024		00	01	59
				1020		00	13	91
				1023		00	02	18
				1021		00	16	06
				1022		00	00	09
				1011		00	17	84
				1010		00	10	58
				1099		00	00	05
				1114		00	12	09
				1128		00	03	98
				1115		00	00	67
				1116		00	07	64
				1117		00	34	97
				1118		00	07	41
				1123		00	23	48
				1207		00	07	50
				1208		00	33	55
				1223		00	07	91
				1224		00	09	44
				1225		00	08	00
				1251		00	14	74
				1252		00	05	40
				1253		00	05	22
				1258		00	05	43
				1255		00	06	87
				1254		00	05	52
				1250		00	03	87
				1287		00	00	82
				1286		00	13	20
				1327		00	16	23
				1329		00	01	22
				666		00	05	45
				667		00	13	62
				1376		00	12	62
				1377		00	00	70
				1380		00	15	05
				1379		00	01	24
				1381		00	28	31
				1391		00	05	02
				648		00	21	71
				1409		00	06	43
				1408		00	02	61
				652		00	02	06
				654		00	03	62
				682		00	11	84
				1404		00	11	61
				749		00	01	16
				1403		00	28	30
				1401		00	06	94
				1402		00	03	17

[प्रांतीय विभाग]

नवाचार संख्या : नंदा 26, 2000/प्र० 6, 1930

1930

1	2	3	4	5	6	7	8	9
Vagra	Vichhad			133		00	10	04
				136	A	00	30	08
				136	B	00	07	72
				142		00	35	57
				114		00	36	53
				92	A/1	00	07	77
				92	A/Z	00	35	64
				92	B	00	28	34
				93		00	25	06
				81	1	00	59	18
Sachan				121		00	14	19
				120	A	00	41	76
				120	B	00	42	50
				145		01	04	11
				135		00	16	92
				150		00	10	73
				163		00	32	50
				168		00	17	17
				169		00	14	66
				167		00	10	05
				185		00	26	71
				189		00	04	55
				181		00	51	25
				180		00	11	51
				211		00	24	26
				210		00	11	69
				212		00	23	87
				214		00	03	49
				213		00	52	34
				225		00	00	97
Vagra				682		00	12	42
				683		00	20	62
				726	A	00	00	05
				727		00	19	99
				724		00	01	15
				723		00	08	56
				709		00	01	83
				722		00	05	98
				711		00	05	41
				713		00	08	00
				714		00	03	42
				720		00	12	82
				719		00	15	87
				718		00	06	46
				746		00	27	83
				752		00	34	33
				782		00	24	41
				764		00	11	12
				765		00	31	56
				795		00	14	44
				796		00	00	90

1	2	3	4	5	6	7	8	9
			Pisad	66	00	61	34	
				67	00	16	20	
				71	00	00	74	
				70	00	37	47	
				78	00	25	71	
			Saran	39	00	03	92	
				40	00	14	81	
				38	00	07	26	
				41	00	12	02	
				37	00	30	49	
				51	00	16	80	
				22	00	21	88	
				20	00	19	78	
				12	00	37	37	
				17	00	21	38	
				93	00	04	35	
				92	00	25	72	
				91	00	07	04	
				109	00	09	01	
				108	00	12	92	
				110	00	00	33	
				117	00	19	78	
				150	00	00	05	
				149	00	21	14	
				166	00	16	55	
				147	00	01	44	
				187	00	24	28	
				168	00	13	69	
				169	00	51	50	
				195	00	32	16	
				190	00	51	86	
				188	00	45	87	
				240	1	00	02	77
			Sayakha	113	00	15	40	
				114	00	08	94	
				115	00	12	17	
				116	00	10	04	
				140	00	19	97	
				141	00	86	31	
				152	00	08	52	
				154	00	07	87	
				153	00	23	92	
				166	00	18	39	
				167	00	55	09	
				170	00	41	50	
				223	00	20	53	
				409	00	15	33	
				227	00	06	36	
				228	00	08	94	
				229	00	22	56	
				232	00	25	69	

1	2	3	4	5	6	7	8	9
			Seyaktra (Contd.)	255	00	37	60	
				256	00	24	09	
				257	00	36	54	
				270	00	33	05	
				269	00	42	91	
				276	00	16	67	
				275	00	10	26	
				277	00	21	61	
				283	00	21	59	
				285	00	18	49	
				284	00	17	52	
				410	00	22	21	
				285	00	30	36	
				308	00	19	32	
				293	00	29	70	
				310	00	29	51	
	Bharuch	Amleshwar		1012	00	09	23	
				1013	00	14	78	
				1014	00	56	58	
				1031	00	50	29	
				1032	00	22	37	
				1038	00	07	35	
				1042	00	81	87	
				1039	00	00	20	
				1046	00	00	14	
				1045	00	24	96	
				951	00	09	87	
				952	00	07	28	
				941	00	13	78	
				950	00	08	36	
				942	00	07	26	
				944	00	68	28	
				946	00	00	09	
				940	00	02	51	
				945	00	06	29	
				868	00	32	04	
				891	00	32	47	
				877	00	56	77	
				878	00	02	46	
				875	00	18	47	
				872	00	09	16	
				867	00	15	21	
				861	00	27	04	
				865	00	13	16	
				864	00	23	61	
				778	00	09	56	
				779	00	03	46	
	Shankhwad			28	00	46	92	
				40	00	12	35	
				41	00	33	68	
				42	00	01	22	
				72	00	04	78	

1	2	3	4	5	6	7	8	9
			Shankhwad (Contd.)	71		00	18	08
				88	P	00	23	78
				70		00	10	63
				89		00	07	22
				88		00	40	29
				82		00	05	14
			Navetha	110		00	09	84
				111		00	01	72
				112		00	20	38
				134		00	05	15
				138		00	19	87
				136		00	10	46
				139		00	01	00
				146		00	13	90
				148		00	18	31
				149		00	19	07
				150		00	07	79
				128	P	00	00	25
				150	P	00	09	10
				180		00	19	52
				192		00	23	25
				192	P	00	20	69
				217		00	18	98
				218		00	12	86
				214		00	15	87
				312		00	16	52
				311		00	14	82
				313		00	01	74
				310		00	29	86
				309		00	03	13
				270		00	14	00
				324		00	17	60
				274		00	29	06
				277		00	04	42
			Mustafabed (Bhadbhut)	277		00	04	29
				188		00	29	75
				186		00	10	23
				187		00	15	40
				195		00	25	04
				188		00	20	46
				180		00	07	02
				176		00	17	90
				200		00	06	78
				201		00	15	38
				202		00	13	94
				179		00	10	22
				252		00	05	87
				248		00	55	81
				249		00	01	54
				246		00	00	15
				313		00	23	69
				318		00	21	51

1	2	3	4	5	6	7	8	9
			Mudholakote (Bhadrahu)	317	00	13	66	
				318	00	01	87	
				339	00	27	85	
				340	00	07	83	
				341	00	00	16	
				337	00	19	10	
				344	00	19	95	
				376	00	19	78	
				369	00	45	24	
				375	00	00	42	
				370	00	05	64	
				371	00	06	96	
				437	00	30	53	
				436	00	03	28	
				449	00	14	16	
			Anklegowar Dhoniwala	351	01	52	36	
				343	00	12	09	
				381	00	08	99	
				373	00	11	82	
				372	00	15	20	
				337	00	15	32	
				338	00	08	38	
				314	00	11	29	
				330	00	25	98	
				317	00	12	44	
				316	00	32	18	
				310	00	00	07	
				319	00	23	34	
				297	00	12	57	
				298	00	18	11	
				279	00	06	45	
				280	00	05	95	
				281	00	14	18	
				282	00	00	66	
				283	00	26	86	
				284	00	13	96	
				240	00	11	25	
				175	00	07	47	
				178	00	25	46	
				177	00	15	61	
				176	00	04	87	
				179	00	12	43	
				180	00	06	10	
				133	00	06	87	
				92	00	18	10	
				91	00	17	63	
				80	00	17	45	
				82	00	07	67	
				83	00	10	14	
				80	00	07	15	
				55	00	18	47	
				54	00	09	59	
				18	00	14	62	

1	2	3	4	5	6	7	8	9
			Dhanturia	44		00	12	94
			(Contd.)	43		00	05	76
				42		00	56	90
				23		00	12	12
				24		00	02	84
				25		00	15	32
				26		00	00	36
				27		00	23	76
				29		00	09	58
			Matiad	509		00	75	10
				510		00	89	19
				507		00	06	90
				550		00	24	99
				549		00	13	71
				548		00	12	88
				636		00	04	87
				638		00	04	19
				635		00	26	61
				639		00	15	36
				640		00	13	29
				642		00	14	62
				657		00	13	50
				658		00	23	59
				660		00	00	05
				661		00	18	91
				662		00	19	20
				669		00	01	02
				667		00	18	07
				666		00	15	90
				220		00	16	38
				219		00	33	74
				218		00	21	17
				217		00	26	47
				214		00	09	30
				209		00	17	12
				189		00	12	93
				190		00	10	07
				186		00	02	40
				179		00	18	57
				180		00	14	10
				181		00	01	99
				171		00	25	34
				170		00	19	85
				165		00	09	65
				164		00	09	97
				163		00	26	77
				130		00	19	45
	Hansot	Mothia		33		00	02	05
				57		00	15	42
				56		00	18	87
				59		00	09	80

भारत यात्रा क्रमांक : अक्टूबर 26, 2008/विकास 6, 1930

[पृष्ठ II—लेखन 3(८)]

1	2	3	4	5	6	7	8	9
Mothia (Contd.)								
			60		00	07	24	
			61		00	15	64	
			62		00	08	78	
			82		00	19	92	
			83	A	00	18	26	
			219		00	02	53	
Digas			583		00	05	31	
			586		00	37	45	
			608		00	21	77	
			608	A	00	03	22	
			608	B	00	18	18	
			614	B	00	00	78	
			615		00	25	92	
			643		00	22	08	
			616		00	00	72	
			617		00	01	61	
			642		00	07	50	
			618		00	01	95	
			619		00	02	01	
			624		00	08	60	
			526		00	33	55	
			527		00	10	23	
			532		00	07	86	
			529		00	05	30	
			531		00	32	81	
			505		00	03	21	
			503	A	00	11	63	
			503	B	00	16	04	
			492		00	25	51	
			473		00	18	50	
			470		00	16	64	
			464		00	25	83	
			450		00	23	58	
			451		00	16	56	
			452		00	03	60	
			453		00	08	70	
			454		00	15	73	
			442		00	00	81	
			440		00	20	41	
			436		00	11	49	
			437		00	15	78	
			416	A	00	27	64	
			416	B	00	07	99	
			404		00	54	02	
			403		00	12	18	
			401		00	09	27	
			402	B	00	06	05	
			393		00	14	29	
			316		00	18	58	
			317		00	44	68	
			347		00	13	06	
			352		00	14	90	
			354		00	18	63	

1	2	3	4	5	6	7	8	9
			Digas (Contd.)	361		00	17	24
				360		00	01	79
				338		00	23	26
				362		00	05	10
	Ankleshwar	Motwan		172		00	03	70
				173		00	17	32
				191		00	10	42
	Hansol	Kalam		28	F	00	14	39
				57		00	05	51
				58		00	04	90
				59		00	16	54
				60		00	15	74
				5		00	10	67
				61		00	19	86
				67	A/2	00	08	26
				67	B	00	03	23
				68		00	10	07
				69		00	06	95
				74		00	06	58
				75		00	18	99
				76		00	04	87
				78		00	31	07
				77		00	02	48
				84		00	37	42
				28	G	00	01	16
	Rohid			525	A	00	00	47
				523		00	13	62
				494		00	08	99
				495		00	07	43
				496		00	06	40
				521		00	14	55
				520		00	12	36
				519		00	12	77
				476	B	00	16	44
				476	A	00	06	03
				474		00	06	06
				500	A	00	00	05
				501	A	00	31	47
				502		00	15	47
				503		00	03	69
				393		00	12	52
				363		00	09	86
				364		00	02	76
				365		00	04	89
				366		00	14	82
				367		00	05	32
				369		00	08	27
				360		00	20	41
				264	B	00	06	73
				281		00	03	41
				260		00	04	08

[भा० ३—३(iii)]

प्रकाश तिथि : नवें 26, २००८/क्रमांक ६, १९३०

१९३१

१	२	३	४	५	६	७	८	९
Rohid (Contd.)				278	A	00	15	93
				279		00	20	47
				265		00	00	05
				277	A	00	13	39
				268		00	14	79
				269	A	00	08	88
				269	B	00	01	34
				271		00	00	08
				270		00	10	83
				256	B	00	13	17
				255		00	09	59
Kudadara						00	09	57
				135		00	00	09
				153		00	13	64
				152		00	16	12
				145		00	17	77
				144	A/2	00	10	79
				143	A/1	00	05	08
				143	A/3	00	01	49
				143	B/2	00	08	58
				139		00	08	44
				138		00	09	44
				137		00	07	92
				133		00	02	68
				82		00	13	57
				81		00	04	61
				86		00	09	11
				87		00	27	38
				88		00	23	86
				77		00	11	30
				75		00	09	58
				89		00	55	83
				92		00	00	34
				91		00	08	34
Parvat				416		00	21	88
				417		00	11	88
				415		00	56	85
				413		00	05	89
				414		00	01	88
				288		00	28	94
				286		00	01	06
				287		00	21	72
				285		00	00	15
				319		00	09	70
				320		00	18	45
				325		00	00	23
				324		00	21	09
				327		00	03	46
				328		00	59	80
				333		00	03	21
				370		00	06	40
				368		00	21	49
				364		00	33	84
				363		00	22	33
				341		00	35	98
				342		00	05	13
				340		00	03	21

1	2	3	4	5	6	7	8	9
			Pervat	189		00	05	98
			(Contd.)	188		00	03	64
				190		00	33	67
				186		00	04	84
				197		00	05	43
				198		00	15	13
				199		00	06	58
				200		00	15	77
				202		00	12	86
				203		00	01	87
				212		00	35	31
				211		00	00	65
				210		00	43	19
				152		00	06	48
				150		00	15	88
				148		00	05	07
				149		00	12	22
				135		00	37	23
				133		00	33	80
			Obha	183		00	13	22
				184		00	35	67
				185		00	03	07
				199		00	00	93
				171		00	21	84
				169		00	09	23
				168		00	19	32
				167		00	17	47
				217		00	08	15
				218		00	26	99
				219		00	01	34
				220		00	03	62
				161		00	22	01
				160		00	18	88
				144		00	00	47
				159		00	06	65
				146		00	02	39
				147		00	08	44
				158		00	02	94
				141		00	06	93
				156		00	21	95
				155		00	01	16
				126		00	00	94
				127		00	19	81
				128		00	08	86
				119		00	02	00
				118		00	20	07
				117		00	16	42
				112		00	08	85
				455		00	04	33
				456		00	23	97
				458		00	17	58
				73		00	08	62
				72		00	01	07
				70		00	20	79
				69		00	22	97
				47		00	23	59
				22		00	04	48

1	2	3	4	5	6	7	8	9
			Others (Contd.)	23	00	04	50	
				24	00	04	05	
				25	00	08	24	
				1249	00	03	51	
				1203	00	01	37	
				1248	00	08	57	
				1247	00	04	49	
				1246	00	08	90	
				1204	00	05	93	
				1207	00	07	02	
				1208	00	13	93	
				1211	00	07	14	
				1212	00	02	66	
				1215	00	26	41	
				1216	00	00	05	
				1143	00	02	34	
				1142	00	08	93	
				1141	00	03	71	
				1129	00	05	07	
				1133	00	00	05	
				1130	00	00	05	
				1131	00	06	81	
				1132	00	17	43	
				1123	00	08	01	

[F. No. R-25011/1/2008-O.R.4]

S.K. CHITKARA, Under Secy.

गई दिल्ली, 24 अप्रैल, 2008

का. आ. 894.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में स्थापित कोयली—दहेज पाइपलाइन की शाखा आमोद से हजारी तक पेट्रोलियम उत्पादन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिनों के भीतर, भूमि के भीतर पाइपलाइन बिछाए जाने के संबंध में, श्रीमती आशा आर. शाह, सदाम प्राधिकारी (गुजरात), इंडियन ऑयल कार्पोरेशन लिमिटेड, मकान नं. 3/122, गुजरात रिफाइनरी टाउनशिप, पी. आ. जवाहरनगर, बडोदरा – 391 320, (गुजरात) को लिखित रूप में आलेप भेज सकेगा।

अनुसूची

राज्य	जिला	तालुका	गाँव	सर्वेक्षण सं. -		उप - संख्या सं.	कोशलक्षण		
				खण्ड सं.	खण्ड सं.		हेवटेयर	एयर	वर्गमीटर
1	2	3	4	5	6	7	8	9	
ગુજરાત	સુરત	ઓલપાડ	કનરાઢી	78		00	00	29	
				88		00	08	62	
				79		00	20	88	
				80		00	13	11	
				85		00	23	30	
				234		00	16	66	
				243		00	14	60	
				242		00	08	82	
				244		00	09	45	
				246		00	21	31	
				247		00	17	58	
				248		00	04	52	
				249		00	12	37	
				250		00	23	07	
				251		00	00	20	
				250	A	00	16	37	
				305		00	06	87	
				297		00	25	01	
				296		00	22	46	
				294		00	28	46	
				289		00	01	27	
				290		00	04	05	
				288		00	11	36	
				285		00	24	73	
				284		00	10	59	
				283		00	16	31	
				644		00	13	76	
				645		00	02	53	
				646		00	10	98	
				651		00	00	29	
				656		00	24	62	
				656		00	13	76	
				582		00	31	91	
				683		00	01	27	
				584		00	23	66	
				624	A	00	17	10	
				573		00	11	23	
				574		00	16	74	
				575		00	06	19	
				576		00	33	60	
				584		00	11	82	
				583	B	00	10	29	
				663	A	00	14	38	
				589		00	00	81	
				582		00	27	50	
				580		00	22	79	
				593	A	00	28	76	
				170		00	01	33	

[माला]—माला X(iii)

काल का उत्तम : अंडैट 26, 2018/वैशाख 6, 1930

1925

1	2	3	4	5	6	7	8	9
पारदीभादोल	199		P	00	22	41		
	190			00	07	09		
	198			00	42	55		
	203			00	01	85		
	204		A	00	40	90		
	211			00	47	27		
	214			00	05	52		
	215			00	24	24		
	217			00	07	23		
	219		P	00	11	81		
	220			00	00	05		
	222		P	00	03	12		
	222			00	22	94		
	223			00	26	69		
	240			00	11	37		
	241			00	00	66		
	239			00	13	00		
	237			00	25	03		
	238			00	00	95		
	236			00	02	36		
	231			00	17	80		
	232			00	08	80		
	255		A	00	40	75		
	256			00	02	24		
	257			00	06	06		
कण्णी	149			00	07	08		
	148		B	00	08	43		
	207		B	00	20	78		
	207		A	00	23	18		
	199		A	00	19	82		
	200			00	15	02		
	185			00	17	52		
	182			00	11	10		
	183			00	22	33		
	189			00	34	30		
	188			00	17	36		
	186			00	23	30		
	184			00	05	13		
पीहारा	92			00	15	41		
	109			00	22	20		
	110			00	15	33		
	104			00	02	27		
	105			00	24	40		
	102			00	18	93		
	142			00	13	74		
	141			00	01	81		
	144			00	06	72		
	143			00	06	32		
	153			00	00	89		
	154			00	24	46		
	145			00	03	11		
	162			00	16	79		
	162			00	11	59		

1	2	3	4	5	6	7	8	9
			बीहार (जारी)	151 149 179 180 183 184 185 186 188 189 191 196 192 193		00 00 00 00 00 00 00 00 00 00 00 00 00 00	36 04 16 14 03 13 11 01 22 06 00 18 05	50 72 06 95 52 23 42 27 37 97 78 69 59
			मोरथाण	202 206 205 204 203 213 201 200 199 198 191 187 186 189		00 00 00 00 00 00 00 00 00 00 00 P P	03 01 11 23 14 14 15 15 17 11 21 02 26 32	06 05 03 54 00 18 67 61 81 89 86 78 69 62
			आछारण	303 314 223 235 234 237 238 248 249 250 274 275 273 252 268 265		00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	22 35 06 30 08 34 08 26 07 01 19 00 00 17 20 32 01	79 44 10 76 61 12 99 76 00 06 45 66 71 89 42 96
			संगीतेर	235 233 234 230 251 252 253 249 256		00 00 00 00 00 00 00 00 00	37 23 12 12 20 21 01 08 33	27 85 38 95 04 63 42 86 69

1	2	3	4	5	6	7	8	9
			सांकेतिक (जारी)	267	A	००	३०	२४
				267	B	००	११	०१
				269		००	२१	६६
				325		००	१०	६६
				324		००	२१	७६
				323		००	१४	३४
				314		००	०१	६३
				319		००	०६	४५
				317		००	०२	३१
				318		००	०६	३७
				352		००	२१	९९
				391		००	५६	५३
				390		००	०५	५९
				389		००	०९	४३
				388		००	१०	९४
				385		००	०३	६५
				384		००	०४	९७
				383		००	५५	१२
				382		००	०६	६२
				373		००	१७	८९
				381		००	०२	७९
				374		००	००	८७
				380		००	१०	९६
				376		००	५५	२४
				420		००	११	८१
				421		००	११	१७
				422		००	१८	७६
				423		००	१७	७२
				424		००	३५	८७
				425		००	१९	१८
				426		००	०३	०६
			करमला	95		००	११	१८
				84		००	०१	९९
				67		००	००	५५
				82		००	०३	६९
				68		००	१६	८४
				64		००	२८	२८
				63		००	२२	३४
				62		००	००	०५
				56		००	००	०५
				57		००	२७	८८
				58		००	०६	४९
				53		००	१८	२१
				54		००	१६	५०
				55		००	१२	३९
			कोसम	266		००	०९	०६
				313		००	२९	५७
				314		००	०३	९७
				312		००	११	२५
				311		००	०६	०४
				299		००	२३	३६
				300		००	११	२१
				289	P	००	१२	०८

1	2	3	4	5	6	7	8	9
			कोसल	289		00	29	05
			(जारी)	258		00	00	45
				263		00	16	91
				260		00	26	59
				261		00	04	46
				230		00	10	31
				219		00	16	53
				218		00	02	79
				217		00	28	84
				223		00	00	17
				127		00	03	35
				128		00	04	19
				129		00	04	24
				130		00	00	28
				124		00	07	16
				123		00	21	31
				122		00	39	00
				116		00	05	04
			वडोद	229		00	24	39
				225		00	01	19
				235		00	06	14
				238		00	25	39
				237		00	21	17
				236		00	06	19
				239		00	00	05
			कनाद	159		00	03	69
				156		00	23	45
				155		00	06	10
				154		00	13	61
				180		00	02	63
				181		00	13	80
				182		00	15	14
				183		00	06	90
				153		00	00	13
				145		00	13	41
				144		00	25	13
				132		00	31	92
				133		00	00	27
				134		00	11	56
				135		00	26	45
				130		00	35	41
				128	A/3	00	18	23
				101		00	09	42
				125	C	00	21	65
				125	B	00	25	32
				125	A	00	19	95
				123		00	04	08
			सरोली	17		00	20	00
				15		00	22	02
				14		00	00	07
				21		00	31	65
				22		00	10	97
				28		00	11	83
				27		00	06	30

1	2	3	4	5	6	7	8	9
			सरोली	43		00	00	45
			(जारी)	45		00	28	06
				28		00	28	44
				74		00	13	26
				75		00	18	27
				110		00	22	01
				71		00	10	45
				70		00	11	87
				69		00	10	09
				68		00	15	08
				96		00	18	43
				197		00	17	22
				165		00	00	28
				196		00	02	14
				168		00	32	07
				169	P	00	15	57
				171		00	08	82
			बोयासी	31		00	00	05
				32		00	22	37
				34		00	51	63
				46		00	10	79
				1		00	18	79
				2		00	00	05
				7		00	13	19
				5		00	06	47
				6		00	18	82
				5		00	23	22
			यणकला	110		00	01	92
				151	P	00	23	26
				150		00	12	42
				149		00	11	63
				152	P	00	04	26
				152		00	18	58
				156		00	15	05
				157		00	02	63
				155		00	25	15
				33		00	00	42
				32		00	08	16
				2		00	00	42
				31		00	15	96
				30		00	28	48
				29		00	13	19
				3		00	00	05
				28	P	00	05	85
				27		00	07	27
				26		00	42	76
				23		00	10	70
				21		00	01	66
				20	P	00	03	12
			आरका	84		00	03	80
				86		00	11	27
				87		00	16	73
				91		00	27	45
				90		00	09	96
				95		00	22	62
				94		00	15	28

1	2	3	4	5	6	7	8	9
			भैरवा	108		00	35	49
			(लारी)	107		00	16	81
				108		00	07	26
				105		00	13	41
				104		00	25	13
			ओलपाड	सेगचाढामा	405		06	18
					406		00	01
					401		22	42
					400		19	50
					418		01	20
					386	P	25	16
					399		00	05
					383		22	15
					384		03	45
					383		00	72
					316		33	40
					301 to 310		18	01
					317 to 320		09	85
					299		25	63
					275 to 298		24	36
					264		08	44
					285		06	84
					263		00	91
					266		34	50
					248		00	46
					249		11	75
					253		10	91
					256		16	36
			धोर्यासी	भेसाण	472		25	39
					471		06	07
			मूलगामा		105		20	40
					106		05	30
					108		15	27
					115		17	31
					109		04	48
					114		23	65
					116		26	74
					117		09	93
					118		10	29
					119		17	99
					120		07	06
					121		05	68
					122		05	44
					123		13	60
					219		83	67
					222		25	87
					221		08	27
					223		01	50
			आसरना		5		01	47
					4		22	04
					2		11	60
					11		04	66
					1		30	72

१	२	३	४	५	६	७	८	९
			इच्छापोर	877		००	१८	१२
				878		००	३७	१०
				927		००	००	३२
				879		००	१८	१२
				926		००	२४	४०
				923		००	१४	४०
				924		००	२४	३०
				918		००	१८	१७
				892		००	१०	६०
				914		००	१०	२८
				893		००	११	४७
				894		००	०४	५६
				781		००	१७	९६
				780		००	१०	१९
				783		००	१६	२७
				784		००	०१	५५
				779		००	०९	१६
				538		००	०३	६०
				542		००	२४	३६
				541		००	०१	५१
				554		००	४१	१८
				622		००	०६	५६
				620+621		००	१०	५७
				619		००	१७	०७

[फा. सं. आर-25011/1/2008-ओ.आर-1]

एस. के. चिटकारा, अमर राजिय

New Delhi, the 24th April, 2008

S. O. 894.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Amod (Ex. Existing Koyall to Dahej Pipeline) to Hazira in the State of Gujarat, a branch pipeline should be laid by the Indian Oil Corporation Limited; And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Smt. Asha R. Shah, Competent Authority, Indian Oil Corporation Limited, at office Qtrs. No 3/122, Refinery Township, P.O. Jawaharnagar, Vadodara – 391 320 (Gujarat).

SCHEDULE

State 1	District 2	Taluka 3	Village 4	Survey / Block No. 5	Sub-Division No. 6	Area		
						Hect. 7	Acre 8	Sq.mtr. 9
Gujarat	Surat	Oripad	Umraichi	78		00	00	29
				88		00	09	82
				79		00	20	89
				80		00	13	11
				86		00	23	30
				234		00	16	06
				243		00	14	60
				242		00	06	82
				244		00	09	45
				245		00	21	31
				247		00	17	58
				248		00	04	52
				249		00	12	37
				250		00	23	07
				251		00	00	20
				250	A	00	16	37
				305		00	06	87
				297		00	25	01
				5				
				295		00	22	46
				294		00	28	45
				289		00	01	27
				290		00	04	05
				286		00	11	35
				265		00	24	73
				284		00	10	59
				283		00	18	31
Vadoli				644		00	13	76
				645		00	02	53
				648		00	10	99
				651		00	00	29
				655		00	24	62
				656		00	13	75
				582		00	31	91
				583		00	01	27
				564		00	23	65
				624	A	00	17	10
				573		00	11	23
				574		00	18	74
				575		00	06	19
				576		00	33	60
				584		00	11	82
				583	B	00	10	29
				583	A	00	14	38
				589		00	00	81
				582		00	27	50
				580		00	22	79
				593	A	00	28	76
				170		00	01	33

[भाग II—खण्ड 3(ii)]

चारत का उत्तरायण : अक्टूबर 26, 2008/विवाह 6, 1930

1933

1	2	3	4	5	6	7	8	9
			Pardhohadol	199	P	00	22	41
				190		00	07	09
				198		00	42	55
				203		00	01	56
				204	A	00	40	30
				211		00	47	27
				214		00	05	52
				215		00	24	24
				217		00	07	23
				219	P	00	11	61
				220		00	00	05
				222	P	00	03	12
				222		00	22	94
				223		00	25	89
				240		00	11	37
				241		00	00	66
				239		00	13	00
				237		00	25	03
				238		00	00	96
				236		00	02	36
				231		00	17	80
				232		00	06	80
				255	A	00	40	75
				256		00	02	24
				257		00	06	06
			Kanbhi	149		00	07	08
				148	B	00	08	43
				207	B	00	20	78
				207	A	00	23	18
				199	A	00	19	62
				200		00	15	02
				195		00	17	52
				192		00	11	10
				193		00	22	33
				189		00	34	30
				188		00	17	38
				186		00	23	30
				184		00	06	13
			Vihara	92		00	15	41
				109		00	22	20
				110		00	16	33
				104		00	02	27
				105		00	24	40
				102		00	19	93
				142		00	13	74
				141		00	01	61
				144		00	08	72
				143		00	06	32
				163		00	00	89
				154		00	24	46
				145		00	03	11
				162		00	16	79
				152		00	11	59

1	2	3	4	5	6	7	8	9
			Vihara (Contd.)	151		00	36	50
				149		00	04	72
				179		00	16	06
				180		00	14	95
				183		00	03	52
				184		00	13	23
				185		00	11	42
				188		00	01	27
				169		00	22	37
				191		00	06	97
				196		00	00	78
				192		00	18	69
				193		00	06	59
			Morthan	202		00	03	06
				206		00	01	05
				205		00	11	03
				204		00	23	54
				203		00	14	00
				213		00	14	18
				201		00	15	67
				200		00	15	61
				199		00	17	81
				198		00	11	89
				191	P	00	21	86
				187	P	00	02	78
				188		00	26	69
				189		00	32	62
			Achhauran	303		00	22	79
				314		00	35	44
				223		00	06	10
				235		00	30	76
				234		00	08	61
				237		00	34	12
				238		00	08	99
				248		00	26	76
				249		00	07	00
				250		00	01	06
				274		00	18	45
				275		00	00	66
				273		00	17	71
				252		00	20	89
				268		00	32	42
				265		00	01	96
			Sandhier	235		00	37	27
				233		00	23	85
				234		00	12	38
				230		00	12	95
				251		00	20	04
				252		00	21	63
				253		00	01	42
				249		00	08	86
				256		00	33	69

१	२	३	४	५	६	७	८	९
Sandesh (Contd.)				A	००	३०	२४	
	२६७			B	००	११	०१	
	२६७				००	२१	५६	
	२६९				००	१९	५६	
	३२५				००	२१	७६	
	३२४				००	१४	३४	
	३२३				००	०१	६३	
	३१४				००	०८	४५	
	३१९				००	०२	३१	
	३१७				००	०६	३७	
	३१८				००	२१	२९	
	३५२				००	४८	६३	
	३९१				००	०६	५६	
	३९०				००	०८	४३	
	३८९				००	१०	९४	
	३८८				००	०३	६५	
	३८५				००	०४	९७	
	३८४				००	०५	१२	
	३८३				००	०८	६२	
	३८२				००	१७	८९	
	३७३				००	०२	७९	
	३८१				००	००	८७	
	३७४				००	१०	९५	
	३८०				००	४६	२४	
	३७८				००	११	८१	
	४२०				००	११	१७	
	४२१				००	१६	७६	
	४२२				००	१७	७२	
	४२३				००	१५	६७	
	४२४				००	१९	१८	
	४२५				००	०३	६६	
	४२६							
Karmala			९५		००	११	१८	
			९४		००	०१	८९	
			६७		००	००	५५	
			८२		००	०३	६६	
			८८		००	१६	६४	
			६४		००	२८	२८	
			६३		००	२२	३४	
			६२		००	००	०५	
			६६		००	००	०५	
			६७		००	२७	८६	
			५८		००	०६	५६	
			५३		००	१६	२१	
			५४		००	१६	५०	
			५५		००	१२	३९	
Kosam			२९६		००	०६	०९	
			३१३		००	२९	५७	
			३१४		००	०३	९७	
			३१२		००	११	२५	
			३११		००	०६	०४	
			२९९		००	२३	३६	
			३००		००	११	२१	
			२८९	P	००	१२	०६	

1	2	3	4	5	6	7	8	9
			Kosam (Contd.)	289		00	29	05
				269		00	00	46
				283		00	18	91
				280		00	25	59
				281		00	04	48
				230		00	10	31
				219		00	18	63
				218		00	02	79
				217		00	26	64
				223		00	00	17
				127		00	03	35
				128		00	04	19
				129		00	04	24
				130		00	00	28
				124		00	07	18
				123		00	21	31
				122		00	39	66
				116		00	05	04
			Vadod	228		00	24	39
				225		00	01	19
				235		00	06	14
				238		00	25	39
				237		00	21	17
				236		00	06	19
				239		00	00	05
			Kanad	159		00	03	69
				166		00	23	46
				155		00	06	10
				154		00	13	61
				180		00	02	63
				181		00	13	90
				182		00	15	14
				183		00	05	90
				153		00	00	13
				145		00	13	41
				144		00	25	13
				132		00	31	92
				133		00	00	27
				134		00	11	56
				135		00	26	45
				130		00	35	41
				128	A/3	00	18	23
				101		00	09	42
				125	C	00	21	65
				125	B	00	25	32
				125	A	00	19	85
				123		00	04	08
			Saroli	17		00	20	00
				15		00	22	02
				14		00	00	07
				21		00	31	66
				22		00	10	97

(का)~का १(ii)

प्रकाशन क्रमांक : अगस्त २०१८/प्रिल ५, १९९०

1935

1	2	3	4	5	6	7	8	9
Saroli (Contd.)				28		00	11	63
				27		00	06	30
				43		00	00	48
				45		00	26	86
				78		00	26	44
				74		00	13	28
				75		00	18	27
				110		00	22	01
				71		00	10	46
				70		00	11	87
				69		00	10	09
				68		00	15	99
				98		00	18	43
				197		00	17	22
				185		00	00	29
				196		00	02	14
				168		00	32	07
				169	P	00	15	67
				171		00	08	82
Choryasi	Vhal			31		00	00	05
				32		00	22	37
				34		00	51	63
				46		00	10	79
				1		00	18	79
				2		00	00	05
				7		00	13	19
				5		00	08	47
				6		00	18	82
				8		00	23	22
Vankals				110		00	01	82
				151	P	00	23	28
				150		00	12	42
				149		00	11	63
				152	P	00	04	28
				152		00	18	56
				156		00	15	05
				157		00	02	83
				155		00	25	16
				33		00	00	42
				32		00	06	16
				2		00	00	42
				31		00	16	98
				30		00	26	46
				29		00	13	19
				3		00	00	05
				28	P	00	05	66
				27		00	07	27
				26		00	42	76
				23		00	10	70
				21		00	01	89
				20	P	00	03	12

1	2	3	4	5	6	7	8	9
			Okha	86		00	11	27
			(Contd.)	87		00	16	73
				91		00	27	45
				90		00	09	95
				95		00	22	62
				94		00	15	28
				108		00	35	49
				107		00	16	81
				106		00	07	26
				106		00	13	41
				104		00	25	13
	Olpad	Segwachhema		405		00	06	16
				406		00	19	01
				401		00	22	42
				400		00	19	50
				418		00	01	20
				385	P	00	25	16
				399		00	00	05
				383		00	22	15
				384		00	03	45
				363		00	00	72
				316		00	33	40
				301 to 310		00	18	01
				317 to 320		00	03	85
				299		00	25	63
				275 to 298		00	24	36
				264		00	08	44
				265		00	06	84
				263		00	00	91
				268		00	34	50
				248		00	00	46
				249		00	11	75
				253		00	10	91
				256		00	16	38
	Chonyasi	Bheshan		472		00	25	39
				471		00	06	07
		Maigama		105		00	20	40
				106		00	05	30
				108		00	15	27
				115		00	17	31
				109		00	04	48
				114		00	23	65
				116		00	26	74

[प्रान्त II—काला 3(ii)]

प्रतिक्रिया की तिथि : वर्षा 26, 2008/वैशाख 6, 1930

1939

1	2	3	4	5	6	7	8	9
			Malgama (Contd.)	117	00	09	93	
				118	00	10	29	
				119	00	17	99	
				120	00	07	06	
				121	00	06	44	
				122	00	05		
				123	00	13	30	
			M.P.E.I.	219	00	83	67	
				222	00	25	87	
				221	00	08	27	
				223	00	01	50	
			Assam	5	00	01	47	
				4	00	22	04	
				2	00	11	60	
				11	00	04	88	
				1	00	30	72	
			Ichhapur	877	00	16	72	
				878	00	37	10	
				827	00	00	32	
				879	00	13	72	
				928	00	24	40	
				923	00	14	40	
				924	00	24	90	
				918	00	16	17	
				892	00	10	00	
				914	00	10	26	
				893	00	11	47	
				894	00	04	56	
				781	00	17	95	
				780	00	10	19	
				783	00	16	27	
				784	00	01	55	
				779	00	09	16	
				538	00	03	80	
				542	00	24	38	
				541	00	01	51	
				554	00	41	18	
				622	00	06	58	
				820+821	00	10	67	
				619	00	17	07	

[F. No. R-25011/1/2008-O.R.-I]
S.K.CHITKARA, Under Secy.

ब्रह्म एवं रोजगार मंत्रालय
नई दिल्ली, 27 मार्च, 2008

S.O. 895.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की थारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा श्री सी. सी. एल. के प्रबंधित के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. II), धनबाद के पंचाट (संदर्भ संख्या 116/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-3-2008 को प्राप्त हुआ था।

[सं. एल-20012/519/2000-आई आर(सी-1)]
स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th March, 2008

S.O. 895.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.116/2001) of the Central Government Indus.Tribunal (No.II) Dhanbad now as shown in the Annexure, in the Industrial Dispute between the management of M/s. B.C.C.L., and their workman, which was received by the Central Government on 27-3-2008.

[No. L-20012/519/2000-IR(C-I)]
SNEH LATA JAWAS, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. II) AT DHANBAD PRESENT

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10 (1)(d) of the I.D. Act., 1947.

REFERENCE No. 116 OF 2001

PARTIES Employers in relation to the management of BCCL and their workman.

APPEARANCES:

On behalf of the workman	: None
On behalf of the employers	: Mr. D. K. Verma, Advocate.

State : Jharkhand	.Industry : Coal
-------------------	------------------

Dhanbad, the 14th March, 2008

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No.L-20012/519/2000 (C-1), dated , the 29th March, 2001.

SCHEDULE

“Whether the action of the management of M/s. BCCL in not providing employment to Shri Baliraj Bhuiya and Shri Mani Raj Bhuiya on compassionate ground on the death of their parents Late Bandhu Bhuiya shale picker & Late Rajo Bhuiyi shale picker of Alkusha Colliery under Kustore Area is Justified , legal and proper? If not, to what relief are the said dependents of the workmen entitled ?”

shale picker & Late Rajo Bhuiyi shale picker of Alkusha Colliery under Kustore Area is Justified , legal and proper? If not, to what relief are the said dependents of the workmen entitled ?”

2. The case of the concerned workmen in short is that late Rajo Bhuiyi and late Bandhu Bhuiya were serving under the management of Alkusha Colliery as Shale Picker. Rajo Bhuiyi died on 20-3-89 and late Bandhu Bhuiya died on 10-8-92. The dependents of the deceased workmen were not adult at the time when their parents died. The eldest son Jayraz Bhuiya was alive at the time of death of Rajo Bhuiyi who was his another son. An application was filled up but Jayraz Bhuiya died on 12-7-1990 before furnishing the same. Bandhu Bhuiya had become upset and was hospitalised and died on 10-8-92. The dependent of the deceased workmen were not adult at the time of their death hence the employment could not be given and submitted application . Prayer has been made to pass award directing the management to provide employment to Baliraj Bhuiya and Sri Maniraz Bhuiya in place of their parents late Bandhu Bhuiya and late Rajo Bhuiyi under the provisions of N.C.W.A. with back wages and other reliefs.

3. The case of the management in short is that the reference is not maintainable. The sponsoring union has got no locus standi to raise industrial dispute. No employer and employee relationship exists between the persons concerned. The concerned persons are not entitled for employment in view of the judgement of the Hon'ble Apex Court due to lapse of time as well as in accordance with principles of NCWA which is purely for appointment on compassionate ground and which cannot be considered after expiry of reasonable period. The parents of the concerned persons had died much earlier. The concerned persons had applied for employment after a lapse of 9 years. Prayer has been made holding that the action of the management is justified and legal and the concerned persons are not entitled to get any relief.

4. From perusal of record it appears that the rejoinder to the W. S. of the management has not been filed .

5. POINTS TO BE DECIDED

“ Whether the action of the management of M/s. BCCL in not providing employment to Shri Baliraj Bhuiya and Shri Mani Raj Bhuiya on compassionate ground on the death of their parents Late Bandhu Bhuiya shale picker and Late Rajo Bhuiyi shale picker of Alkusha Colliery under Kustore Area is justified, legal and proper ? If not, to what relief are the said dependents of the workmen entitled ?”

6. FINDING WITH REASONS

It appears from the record that inspite of giving sufficient opportunities the concerned workmen have neither produced any witness nor got the documents exhibited in support of their claim. The onus lies upon the concerned workmen to establish their case before this Tribunal which has not been done by the concerned

workmen. Therefore, they are not entitled to get any relief as prayed. In the result, the following Award is rendered:—

"Whether the action of the management of M/s. BCCL in not providing employment to Shri Baliraj Bhuiya and Shri Mani Raj Bhuiya on compassionate ground on the death of their parents Late Bandhu Bhuiya Shale picker & Late Rajo Bhuiya shale picker of Alkusha Colliery under Kustore Area is justified, legal and proper. Consequently, they are not entitled to get any relief."

NAGENDRA KUMAR, Presiding Officer

गई दिल्ली, 27 मार्च, 2008

कांगड़ा 896.—ओलोगिक विवाद अधिनिकम्, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा बी. बी. सी. सी.एल. के प्रबंधकांत्र के संघर्ष नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्णित ओलोगिक विवाद में केन्द्रीय सरकार ओलोगिक अधिकरण (सं.II), धनबाद के पंचाट (संदर्भ संख्या 74/2000) को प्रकल्पित करती है, जो केन्द्रीय सरकार को 27-3-2008 को ग्राह्य हुआ था।

[सं. प्रल-20012/51/2000-आई आर(सौ-I)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 27th March, 2008

S.O. 896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.74/2000) of the Central Government Industrial Tribunal (No.II) Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L., and their workmen, which was received by the Central Government on 27-3-2008.

[No. L-20012/51/2000-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. II) AT DHANBAD

PRESENT:

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10 (1)(d) of the I.D. Act., 1947.

REFERENCE No. 74 of 2000

Parties : Employers in relation to the management of M/s. BCCL and their workmen.

APPEARANCES:

On behalf of the workmen

Mr. D. Mukhopadhyaya,
Secretary,
Bihar Colliery
Kanger Union.

On behalf of the Management

Mr. H. Nata
Advocate.

State : Jharkhand

Industry : Coal

Dhanbad, the 14th March, 2008

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No.L-20012/51/2000 (C-1), dated , the 24th July, 2000.

SCHEDULE

"Whether the demand of the union to regularise Sri Ramesh Chandra Gope as Office Peon with pay-protection of Group-VA wages and other consequential benefits is proper and justified ? If so, to what relief is the concerned workman entitled and from what date ?"

2. The case of the concerned workmen in short is that he was originally appointed as permanent Miner/Leader in Group-VA on September, 1983. He started to work as Pump Operator against permanent vacancy. The management started to pay him Cat. III wages without protecting his Group VA wages which was objected by the concerned workman. The management assumed for a favourable decision. During the course of employment the concerned workman received serious injury. He was referred to Patna for specialised treatment. He was under treatment of Dr. Mukhopadhyaya. Thereafter he was referred to Ahmedabad for further specialised treatment. Both the doctors recommended for light duty as he was unable to perform the duties of Pump Operator. He was under treatment from 1992 to February, 1995. The management allowed him to join his duty as Peon. He worked continuously as permanent Peon against permanent vacancy and he has put 240 days attendance in each calendar year. He has been working as Peon since March, 1995 continuously. He represented before the management several times for his regularisation as Peon with protection of his original Group VA wages but without any effect. As per provision of NCWA he is entitled for regularisation as Peon. The management failed to take any action on the prayer of the concerned workman he then raised industrial dispute before the ALC (C) which ultimately resulted reference to this Tribunal. Prayer has been made to answer the reference in favour of the concerned workman by awarding regularisation as Peon with protection of GroupVA wages and other consequential benefits.

3. The case of the management in short is that the reference is not maintainable. The concerned workman is a permanent workman of Bhatdee Colliery designated as Miner /Loader. He was never directed to work as Pump Operator and the management never paid him Cat. III wages and he is still getting wages of Group-VA wages. The management has provided the concerned workman light duty on surface in view of his injury. He is still getting Group VA wages which is more the job which he is performing. Since the concerned workman is not workman is not working as Peon question of regularisation on the said post with protection of wages does not arise.

4. In the rejoinder portion the statement made in para-2, 3, 10, 11, 12, and 13, 14, 15, 16, 17, have been denied. It has been stated that the concerned workman is not entitled for any relief.

5. In the record there is no rejoinder to the W. S. filed by the management.

6. POINTS TO BE DECIDED

"Whether the demand of the union to regularise Sri Ramesh Chandra Gope as Office Peon with pay-protection of Group-VA wages and other consequential benefits is proper and justified? If so, to what relief is the concerned workman entitled and from what date?"

FINDING WITH REASONS

7. It appears from the record that inspite of giving sufficient opportunities the concerned workman has neither produced any witness nor got the documents exhibited in support of his claim. The burden of proof rests upon the concerned workman to establish his case before this Tribunal which has not been done in the instant case. Therefore, he is not entitled to get any relief as prayed for. In the result, the following Award is rendered :—

"The demand of the union to regularise Sri Ramesh Chandra Gope as Office Peon with pay-protection of Group-VA wages and other consequential benefits is not proper and not justified. Consequently, the concerned workman is not entitled to get any relief."

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 31पार्च, 2008

का.आ. 897.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. हस्त्यू डी. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम ज्यायालय, नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 131/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-3-2008 को प्राप्त हुआ था।

[सं. एल-42012/135/93-माई आर(डी.यू.)]

अध्यय कुमार, डेस्क अधिकारी

New Delhi, the 31st March, 2008

S.O. 897.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.131/94) of the Central Government Industrial Tribunal-Cum Labour Court, No. II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D., and their workmen, which was received by the Central Government on 31-3-2008.

[No. L-42012/135/93-IR (DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL-TRIBUNAL-CUM LABOUR COURT-II, NEW DELHI

I.D. NO. 131/1994

PRESIDING OFFICER: R. N. RAI

IN THE MATTER OF:

Sh. Rishi Pal,
C/o. Regional Secretary,
All India CPWD Employees' Union,
Lodhi Colony, Inquiry Office,
CPWD, New Delhi.

—Claimant

VERSUS

The Executive Engineer,
"R" Division, CPWD, New Delhi.

—Respondents

AWARD

The Ministry of Labour by its letter No. L-42012/135/93-IR(DU) Central Government dtd. 16-11-1994 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether Executive Engineer, R. Division, CPWD, New Delhi was justified in not placing Sh. Rishi Pal as Inquiry Clerk and paying the regular wages /scale ? If not , to what relief the concerned workman is entitled to."

The workman applicant has filed claim statement. In the claim statement it has been stated that Rishi Pal S/o. Sh. Baljit Giri has been working in "R" Division, CPWD, New Delhi since 01-04-1986 and is workman as per the definition under section 2(s) of the ID Act, 1947.

That the Executive Engineer "R" Division, CPWD, New Delhi is employer as per the definition under Section 2(s) of the ID Act, 1947.

That the CPWD is an Industry under Section 2g of the ID Act, 1947.

That Shri Rishi Pal has been performing the duties of Inquiry Clerk on Muster Roll and fulfilling the required conditions of recruitment of the inquiry clerk.

That the employer has been wrongly paying the wages of Beldar since the employment.

That all the efforts from Sh. Rishi Pal and this Union to get justice have remained fruitless.

That the workman has wrongly been designated as Beldar instead of Inquiry Clerk, particularly when the workman has been performing the duty of Inquiry Clerk.

That the workman should be designated as Inquiry Clerk instead of Beldar.

That the wages of the workman should be given as that of an inquiry clerk and the difference of wages between Beldar and Inquiry Clerk should be paid to the workman.

That suitable penalty should be imposed on the employer for doing injustice with the workman.

The management has filed written statement. In the written statement it has been stated that the Executive Engineer, CPWD, R. Division, New Delhi has no independent legal entity. It is part and parcel of the union of India. The M/o. Urban and Employment Affairs, Department of CPWD, headed by the Director General (Works) as one of its subordinate offices. Unless these controlling authorities are made parties, the dispute in question cannot be adjudicated upon. Therefore, the claim is bad for non-joinder and misjoinder of necessary parties and therefore, the same is liable to be dismissed.

That the claim has neither been filed by the workman concerned nor is the same verified by him. Likewise, the union involved in the alleged dispute is not competent or authorized to file the instant dispute. In addition to the submission herein, the alleged claim under reply has not been preferred within stipulated period and in the manner prescribed under Rule 10(B) of the ID (Central) Rule, 1957 nor any sufficient reasons for not preferring the claim in prescribed manner has been explained. As such the claim is not maintainable on this ground as well.

That the workman has no cause of action and is not entitled for the relief prayed for.

It is stated that the averments therein are misleading and result of intentional concealment of material facts by the claimant. It is stated that the workman was, in fact, engaged w.e.f. 1-4-1986 as Daily Rated Casual Labour purely on temporary basis on Muster Roll and he has accepted the employment as Muster Roll Beldar at his free-will. The fact has intentionally been suppressed by the workman/claimant.

That it is patently wrong that the workman has been performing his duties as an Inquiry Clerk. In fact, the workman has been performing his duties as daily wager on muster roll. It is specifically mentioned that the workman does not fulfill the terms and conditions for recruitment as Inquiry Clerk. It is stated that even if it is presumed that the workman sometimes performed duties of Inquiry Clerk such assignment of job was neither lawful nor had the same sanction of competent authority. It is stated that there is no provision for engaging the Inquiry Clerk on muster roll basis in the department of CPWD and the fact has very well been in the knowledge of the workman. The workman

knowingly signed the related terms and conditions for appointment as Beldar every month.

It is submitted that the representations of the workman as well as the union representative as regards regularization of workman as Inquiry Clerk were considered by the competent authority and the same was not acceded to as the workman did not fulfill the terms and conditions prescribed for recruitment as Inquiry Clerk in the public interest. It is reiterated that the workman cannot be regularized as Inquiry Clerk in violation of the prescribed terms and conditions to the particular post. Acceding to such request of the workman would adversely affect the administrative function and discipline amongst the staff members.

That it is vehemently denied that the workman has been wrongfully been designated as Beldar instead of Inquiry Clerk. It is stated that since the workman had worked for more than 240 days in each calendar year and fulfilled the conditions of regularization in the grade of Beldar against which he was engaged and worked, offer of regular appointment was given to the workman as Beldar and the same was duly accepted by him. As such further claim of the workman for his regularization as Inquiry Clerk and payment therefore, can be accepted as hereinabove explained. It is stated that such material suppression of facts be kindly looked into to test the veracity of the claim of the workman.

The workman has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the parts of the written statement. The management has also denied most of the parts of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the workman was performing duties of Inquiry Clerk. He entered the complaints in the complaint register of E - Block inquiry in his own handwriting from 1-4-1986 to January, 1993.

It was submitted from the side of the management that the claimant was engaged as daily rated casual labour purely on temporary basis on muster roll and has accepted the employment of muster roll Beldar as his free will. He was appointed Beldar on temporary basis by appointment letter dated 01-12-1992. He was assigned the role of muster roll as Beldar by the management. He was paid wages as Beldar for the period 21-12-1992 to 20-1-1993. The Sub-divisional Officer, MWI/3 and MWI/4 has examined the work assigned to the workmen engaged on muster roll and payment to them was made accordingly.

It was further submitted that by letter dated 15-2-1993 the workman was regularized as Beldar from 5-2-1993 by the management and the workman on 6-2-1993 joined as Beldar.

It was further submitted that the workman sometimes performed duties of Inquiry Clerk but such assignment of job was neither lawful nor had the same sanction of competent authority.

It was further submitted that there is no provision for engaging any Inquiry Clerk on muster roll basis in the department. The workman knowingly signed the related terms and conditions for appointment as Beldar every month.

It was further submitted that there is no valid and legal espousal.

From perusal of the records it transpires that the workman has been mentioned in documents Ex.MWV/1 to Ex.MWV/15 as Beldar and he has received payment as Beldar. The work of Beldar was assigned to him.

It transpires from perusal of Paper No.67 (photocopy) dated 10-02-1992 that the Assistant Engineer (IR) Division, CPWD, New Delhi has forwarded the representation of Sh. Shyam Lal and Sh. Rishi Pal, muster roll Beldar regarding their willingness to discharge the duties of Inquiry Clerk. It is also quite vivid from letter dated 19-05-1992 sent by the workman, Sh. Rishi Pal that he has made representations for being regularized as Inquiry Clerk.

The workman was initially engaged as Beldar and he has accepted his designation as Beldar. He has received payment as Beldar and he was regularized in 1993 at the post of Beldar. He has also accepted his regularization. The records further disclose that the workman has discharged the duties of entering the complaints in the complaint register maintained for the same. The management has also admitted that sometimes due to increase of work load the workman was entrusted with the work of registering complaints in the complaint register of E-Block.

The workman was initially engaged as Beldar in 1986. He has been given the regular status of Beldar in 1992 and his services have been regularized as Beldar in 1993. Even if it is admitted that he entered the complaints in the complaint register it cannot be said that he should be regularized as Inquiry Clerk. It appears that some Beldars have also entered the complaints in the complaint register for sometimes. They have performed the duties of the Inquiry Clerk.

In case their initial engagement is at the post of Beldar, they have been given the temporary status at the post of Beldar and they have received payment of Beldar. No right accrued to them for regularization as Inquiry Clerk on the basis of registering complaints in the complaint register as there is no post of Inquiry Clerk in the department. Regularization is always ordered against sanctioned post. There is no designation of Inquiry Clerk in the management.

My attention was drawn to OA dated 05-05-1993. The Hon'ble CAT has directed for regularization of Sh. Ramesh Chandra, Ram Nath Singh and Sh. Man Singh Rajput who worked as typist or Dispatch Clerk. These workmen worked as Typist, Inquiry Clerk and Dispatch

Clerk and the CAT has ordered the management to consider the case of regularization in view of circular dated 14-07-1988 issued by the Dy. Director of Admn. The workman has pleaded that he is entitled to be regularized in view of circular dated 14-07- 1988. The CAT has based his findings on the circular dated 14-07-1988 in which it has been mentioned that the workman may be regularized in higher category even if he worked in lower category for sometimes subject to the conditions that the services rendered in the lower categories would not be counted for the purpose of seniority. Circular dated 14-07-1988 is not attracted in this case as such the relief granted by the CAT in 1993 cannot be extended to this workman.

It was further submitted from the side of the workman that the management has violated the principles of equal pay for equal work. The workman worked as Inquiry Clerk so he should be made payment of the initial salary of Inquiry Clerk.

It was submitted from the side of the management that the workman was engaged as Beldar. He worked as Beldar. For sometimes he was entrusted with the work of entering complaints in the complaint register so he is not entitled to equal pay for equal work.

It was submitted from the side of the workman that in view of 1966 LW 134, AIR 1991 page 173 and in view of Directive Principles of State policy has confirmed in Article 30(d) of the Constitution a casual workman cannot be denied the same salary of Class - III employees when he performed the same duties on regular basis. There should be equal pay for equal work and it should be treated as a fundamental right in service jurisprudence.

It has been held in (2003) 6 SCC 123 as under:— “The principle of “equal pay for equal work” is not always easy to apply. There are inherent difficulties in comparing and evaluating the work done by different persons in different organizations, or even in the same organization. It is a concept which requires for its applicability complete and wholesale identity between a group of employees claiming identical pay scales and the other group of employees who have already earned such pay scales. The problem about equal pay cannot always be translated into a mathematical formula.

It is obvious from the judgment that the principles of equal pay for equal work cannot be applied everywhere. A daily wager holds no post. Scale of pay is attached to a definite post. This workman was not holding any definite post, so he cannot be compared with the regular and permanent staff for equal pay and allowances.

It has been further held in (2003) ISCC 250 as under:

“Equal pay for equal work - applicability of the principle of, held, depends not only on the nature or volume of work but also on the qualitative difference in reliability and responsibilities as well - Even in case of same functions, responsibilities do make a real and substantial difference - It is for the claimant of parity to substantiate a clear-cut

basis of equivalence and a resultant hostile discrimination—In absence of requisite substantiating material, High Court erred in granting the NMR workers/daily wagers/casual workers parity in pay with the regularly employed staff merely on presumption of equality of the nature of work—However, such workers, held, entitled to payment of prescribed minimum wages.”

It has been held in this case that equal pay for equal work would depend upon not only the nature or the volume of work but also on the qualitative difference as regards reliability and responsibilities though the functions may be the same.

It transpires from perusal of the records that the workman discharged the duties of Inquiry Clerk incidentally. The job of registering complaints is to be done by the Jr. Engineer. The workman has been entrusted with the work of entering the complaints in the complaint register temporarily by the Jr. Engineer. The workman was initially engaged as casual labour and his services have been regularized as Belder. Incidentally performing the duties of Inquiry Clerk does not entitle him to regularization at the post of Inquiry Clerk as the workman was initially engaged as casual labour and he has been regularized as Belder.

The reference is replied thus:

The Executive Engineer, R. division, CPWD, New Delhi was justified in not placing Sh. Rishi Pal as Inquiry Clerk and paying the regular wages/scale. The workman is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 19-3-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

क्र.आ. ३९८.—ओटोग्राफिक विवाद अधिनियम, 1947 (1947 का 14) की बात 17 के अनुसार में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधनात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओटोग्राफिक विवाद में केन्द्रीय सरकार औटोग्राफ अधिकारक/अमंत्र न्यायालय, च-॥, चण्डीगढ़ के पंचायत (संदर्भ संख्या 363/2005) को प्रत्यापिता करती है, जो केन्द्रीय सरकार को 2-4-2008 को जाए दूआ था:

[क्र. एल-40012/225/2002-आई आ(डी. यू.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 898.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 363/2005) Central Government Industrial-Tribunal-cum-labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 2-4-2008.

[No. L-40012/225/2002-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR 18-A, CHANDIGARH,

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE I.D. NO: 363/2K5

Registered on: 18-8-2005

Date of Decision: 14-3-2008

Jaswinder Kumar S/o Ram Lubhya,
House No 2160, Sector C, Chandigarh —PETITIONER

Versus

Principal General Manager, Telecom,
Telephone Deptt, Sector 18-A,
Chandigarh.

—RESPONDENT

APPEARANCE

For the Workman Mr. Arun Kumar Batra, Advocate
For the Management Mr. G. C. Babbar, Advocate

AWARD

The workman continues to be absent. For the Management also no body is present. The record of the file shows that the workman has not appeared in person after 21st of Feb. 2007. He filed the authority letter of his counsel but the counsel also stopped appearing after 4th of May, 2007 reporting no instructions. The workman did not file his affidavit despite repeated directions and has also not produced any evidence to support his claim made in the Statement of Claim. The Management has denied the assertions made by the workman, by their written statement duly supported by the affidavit of Shri Anil Kumar, SDE, C/M-I, Chandigarh. The Management has denied even the relationship of employee and employer between the parties. As against to it the workman has not produced any evidence. So much so he himself has not come in the witness box to re-iterate the facts stated by him in his statement of claim.

On record I do not find any evidence to show that the Management of Department of Telecom, Chandigarh had engaged the workman as peon in May, 1997 and they had terminated his services w.e.f. 27-2-1999 without complying with the provisions of section 25-F of the I.D. Act 1947 and their said action was unjust and illegal. In the circumstances the reference received from the Ministry of Labour, Government of India vide their No. L-40012/225/2002-IR(DU) dated 21st of March, 2003 in this regard is answered against the workman holding that he has failed to prove any claim and therefore, he is not entitled to any relief. The award is passed accordingly.

Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.आ. 899.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भारा 17 के अनुसरण में, केन्द्रीय सरकार डाकघरेट आंफ एडल्ट एजुकेशन के प्रबंधनतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 03/2006) को प्रकल्पित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[सं. एल-42012/23/2005-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 899.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.03/2006 of the Cent. Govt. Indus. Tribunal-cum Labour Court No-2, New Delhi as shown in the Annexure, in the industrial dispute between the management of Directorate of Adult Education, and their workmen, received by the Central Government on 02-04-2008.

[No. L-42012/23/2005-IR (CM-II)
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N. RAI. LD. No. 03/2006

IN THE MATTER OF:-

Shri Birender Kumar and Others,
C/o The President,
Janvadi General Kamgar Mazdoor Union,
Room No. 95, Barracks No. 1/10,
Jannagar House, Shahjahan Road,
New Delhi - 110011.

VERSUS

The Director,
Directorate of Adult Education,
10-Jannagar House,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/23/2005-(R(CM-II)) Central Government Dt. 3-1-2006 has referred the following point for adjudication.

The point runs as hereunder:

"Whether the action of the management of Directorate of Adult Education, Jam Nagar House, New Delhi in terminating the services of S/Shri Birender Kumar, Munish Sharma and Kuldeep Singh, casual labourers with effect from 17-9-2002 is just, fair and legal? If not to what relief the workmen are entitled and from which date?"

That the full particulars of the workmen who performed their duty as Peon in Group 'D' on daily wages are given as under:

Sl. No.	Name	Father's Name	Date of Birth	Date of employ-ment	Date of Termination	Educational Qualifica-tion
1.	Birender	Kisan Ram	4-6-73	24-12-92	17-9-02	8th Pass
2.	Munish	Ved Ram	7-5-71	4-5-94	17-9-02	9th Pass
3.	Kuldeep	Sube Singh	2-10-65	12-4-94	17-9-02	10th Pass

The workmen applicants have filed claim statement. In the claim statement it has been stated that the workmen had raised the dispute for regularization of their services before the Conciliation Officer-cum-Assistant Labour Commissioner (Central) and the first hearing was fixed by this Hon'ble Authority on 4th September, 2003 at 4.00 P.M.

That during the pendency of conciliation before the Conciliation Officer-cum-Assistant Labour Commissioner (Central) the services of the workmen S/Shri Birender Kumar, Munish Sharma and Kuldeep Singh were terminated w.e.f. 17-9-2002 without taking prior permission/approval under Section 33 of ID Act 1947 from the said Authority.

That the said dispute was dealt by this Hon'ble Authority in file No. ALC-HQ(R)/8(148)/2002.

That Shri Roop Chand, Asstt. Labour Commissinier (Central) has submitted his failure of Conciliation (FOC) report to the Secretary, Ministry of Labour, Govt. of India, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 narrating all the facts and also violation of Section 33 as well as 25F of Industrial Disputes Act 1947. Copy of the FOC report is annexed as Annexure-4.

That now the said dispute for their regularization and equal pay for equal work already referred by the Ministry of Labour, Government of India, Shram Shakti Bhawan, New Delhi vide order dated 13-10-03 and the same is pending before Shri S.S. Bal, Lt. Presiding Officer, Labour Court No. I, R.K. Puram, New Delhi. Copy of the said order is also annexed as Annexure-B.

That apart from taking prior permission approval U/s 33 of ID Act 1947 from Shri Roop Chand Asstt. Labour Commissioner. (Central)-cum-Conciliation Officer, the management has terminated the services of the workmen without serving one month notice or one month pay in lieu of notice, compensation etc. because the workmen have completed more than 240 days in each of the 12 month calendar year.

The workmen connected with this dispute had been performing their duties continuously without any single break during their employment under the management and the said work is still continuing with the management.

That action of the management terminating the services of the workmen connected with the dispute for

their regularization without any prior permission/approval from Asstt. Labour Commissioner (Central) so the termination orders are honest and the workmen have to be treated as on the service of the management.

That non-Compliance of Section 25 F of ID Act 1947, the termination of services w.e.f. 17-9-2002 is also unjustified, unfair and illegal as the workmen are entitled to be reinstated in service from the date of their termination.

That the workmen remained unemployed and could not get any employment after termination of their services on 17-9-2002 although they have been continuously trying for employment at every possible place so they are entitled to be reinstated in service with full back wages as fixed by the appropriate authority under Minimum Wages Act 1948 from time to time for unskilled labour by the appropriate authority and continuity of service along with all consequential benefit.

The Management has filed written statement. In the written statement it has been stated that the respondent, Directorate of Adult Education (DAE) is a subordinate office under the erstwhile Departments of Elementary Education & Literacy, now Department of School Education & Literacy, Ministry of Human Resources Development, Government of India, New Delhi, functioning as a National Resource Centre in the field of Adult Education. It provides academic and technical resource support to National Literacy Mission. The respondent being a subordinate office had to engage casual workers in the past from time to time on daily wage basis for work of purely casual/ seasonal intermittent nature for which no post can be created. The casual workers so engaged were being paid daily wages for the actual days of working.

That the claimant were engaged as casual labour on daily wage basis and terminated as per details given below:

Sl. No.	Name	Date of initial engagement	Date of Termination
1.	Shri Birender	24-12-92	17-9-02
2.	Shri Munish	4-5-94	17-9-02
3.	Shri Kuldeep	12-3-94	17-9-02

The status and other service benefits for casual workers are regulated in terms of instructions issued by the Department of Personnel & Training from time to time. The Department of Personnel & Training had issued orders for grant of temporary status on a one time basis which were to be enforced w.e.f. 1-9-1993. As per these instructions, the case of all the casual workers working in this Directorate including the applicants was considered by the respondents and four of them fulfilling the admissibility criteria were granted temporary status w.e.f. 1-9-1993. However, the applicants could not be granted temporary

status as they did not fulfill the basic criteria laid down by the Department of Personnel & Training.

That under the scheme, the grant of temporary status was to be conferred on all casual labourers in employment on the date of issue of these orders and having rendered a continuous service of at least 1 year, i.e., at least 240-days in a year or 206 days (in case of offices having five days a week).

That the applicant not having completed the requisite one years of continuous employment as on the date of the issuance of the Scheme, i.e., 1-9-1993, could not be conferred with temporary status. The number of days of continuous employment rendered by each of the applicants as on 1-9-1993, which was the effective date for considering the eligibility for grant of temporary status, is given below:

S.No.	Name	No. of days of continuous service rendered as on 1-9-93
1.	Shri Birender	190
2.	Shri Kuldeep	Nil
3.	Shri Munish	Nil

That the aggrieved applicants filed an OA in the Central Administrative Tribunal, Principal Bench, New Delhi seeking regularization and grant of temporary status in terms of aforesaid scheme in respondent's office.

That the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi held the view vide their Order dated 17-11-2000, that the scheme was not a one time concession but a ongoing scheme and directed that the cases of the applicants should be considered according to the provisions of the scheme. The Hon'ble Tribunal also directed that the action may be taken within two months from the date of receipt of the order passed. The orders were received by the respondents on 21-2-2001 through their Learned Counsel and hence the directions were to be complied before 20-4-2001.

That the respondent consulted Department of Personnel & Training who have notified the Scheme dated 10-9-1993 for grant of temporary status and observed that the different Benches of the Central Administrative Tribunal, New Delhi had taken conflicting views on the question whether the scheme was a one time measure or an ongoing scheme. The Department of Personnel & Training pointed out that an Appeal for resolving the conflicting views, was already pending before the Supreme Court. The Hon'ble Supreme Court granted stay on 2-3-2000 against a SLP filed in a similar case on the impugned order of the High Court dated 15-12-99 in CWP No. 7499/99.

That keeping in view the conflicting views of the Hon'ble Central Administrative Tribunal, New Delhi on the issue whether the scheme was a one time concession or an ongoing scheme and considering that the directions given by the Hon'ble High Court would have wide

repercussions as it was going to effect large number of casual workers already inducted in service in various Departments, the entire matter was at that time already receiving consideration of the Hon'ble Supreme Court.

That keeping in view the above facts of the case, the Hon'ble High Court was prayed by filing a CWP No. 1140/2001 by the Directorate (Respondent) to grant a stay on the implementation of the impugned order of the Central Administrative Tribunal, Principal Bench, New Delhi dated 17-11-2000, and also a stay against contempt proceedings till the Hon'ble Supreme Court gives a final judgment on the matter.

Since the casual labourers (namely Shri Birender Kumar, Munish Kumar and Kuldeep Singh) were not found admissible by the Respondent (Directorate of Adult Education) as well as by the Hon'ble Supreme Court of India for grant of even temporary status, their claim of regularization in service had no locus. However, in view of the other opinion taken by the Hon'ble Supreme Court of India in their judgment dated 29-4-2002 "that from Clause 4 of the Scheme of the temporary status, it does not appear to be a general guidelines to be applied for the purpose of giving temporary status to all the casual workers as and when they complete one year of continuous service and it is up to the Union Government to formulate any scheme as and when it is found necessary and the casual labourers are to be given temporary status and absorb them in Group D posts" the Directorate of Adult Education of its own approached the Department of Personnel & Training for advice as to whether any other benefit of some or like nature can be given to these workers or if there is any proposal (as referred to in the Hon'ble Supreme Court's decision) under consideration of the Department of Personnel & Training for granting benefits as a welfare measure to the daily wagers engaged at that point of time in the office of the Government of India so that the fate of these daily wage workers could be decided accordingly.

The representative of the Directorate appeared on 4-10-2002 and submitted that this Directorate is not an industry as this does not render any direct services nor is engaged in any production or supply or distribution of goods to satisfy human wants or wishes vide letter dated 4-10-2002. It was also brought the notice of ALC (C) that the matter regarding regularization and grant of temporary status raised by the daily wagers has already been decided by the Hon'ble Supreme Court of India. The relevant papers were also handed over to the ALC. The matter could not be reconciled as it was stated that the Directorate is an industry and has violated the provisions of Section 33 of the Industrial Disputes Act, 1947.

No dispute was pending in any court when their services were dispensed with i.e. as on 17-9-2002. Also, it was not brought to the notice of the Directorate by the claimants that any dispute raised by them is pending. The first notice addressed to the Director, Directorate of Adult Education, New Delhi, from the office of the Regional Labour Commissioner (C) was received in the Directorate on

26-9-2002. Only on that very day, the Directorate noticed that any dispute between the Directorate and the casual workers have been raised. Hence, it is clear that there is no violation of Section 33 of the Industrial Disputes Act, 1947.

In this regard, it is submitted that the services of the casual workers working on daily wage basis in the Directorate were dispensed with w.e.f. 17-9-2002 only after the final decision of the Supreme Court of India in the matter raised by them in the Hon'ble Tribunal relating to regularization of their services and grant of temporary status. Their request was not agreed to by the Supreme Court of India on the grounds that the Scheme of 1-9-1993 is not an ongoing Scheme and the temporary status can be conferred on the casual labourers under that Scheme only on fulfilling the conditions incorporated in clause 4 of the Scheme only on fulfilling the conditions incorporated in Clause 4 of the Scheme, namely, they should have been casual labourers in employment as on the date of the commencement of the Scheme and they should have rendered continuous service of at least one year, i.e. at least 240 days in a year or 206 days (in case of offices having 5 days a week).

As regard their claim of performing duties continuously without any break, for one month notice or one month's pay before dispensing their services, it is stated that they were not performing their duties continuously as their services were engaged in the Directorate as casual workers for performing duties of casual/occasional and of intermittent nature as and when required, whether on working days or holidays. They were not working against any specific posts. Hence, the condition of serving one month notice or one month's pay before terminating the services is not applicable in their case. The termination orders are correct and valid. The applicants neither working in respondent's office as on date nor to be treated as in the service of the Management. Their claim that the work for which they were engaged is still continuing with the Management is denied as that was of casual/occasional and of intermittent nature. Beside, no daily wager has so far been engaged in place of the applicants.

In view of the submissions in foregoing paragraphs, the provisions of the Section 25F of Industrial Disputes Act, 1947 does not apply to this case. The termination of services with effect from 17-9-2002 is justified, fair and legal as the same was terminated much before the receipt of notice from the conciliation authority (factually received in the Directorate on 26-9-2002 or initiation/start of conciliation proceedings. Hence, the workmen/applicants are not entitled for reinstatement in service.

The applicants were engaged as casual worker on daily wage basis in this Directorate for work of casual/occasional and of intermittent nature, which had already over and hence the services of the applicants were terminated from the Directorate with effect from 17-9-2002. No daily wager or any person has since been engaged/recruited in place of the applicant.

The workmen applicants have rejoinder. In the rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

From the perusal of the pleadings of the parties the following issues arise for adjudication:

1. Whether the workmen have completed 240 days work in between 1992 to 2002 during the tenure of their employment?
2. Whether the management is not an Industry?
3. Whether the workmen are entitled to reinstatement/regularization?
4. To what amount of back wages these workmen are entitled?

ISSUE NO. 1

It was submitted from the side of the workmen that Sh. Birender Kumar was engaged as casual labour by the management on 24-12-1992 and his services were illegally terminated on 17-09-2002. Sh. Manish was engaged as casual labour on 04-03-1994 and his services were terminated on 17-09-2002. Sh. Kuldeep was also appointed on 12-04-1994 and his services were terminated on 17-09-2002.

The management in the written statement has categorically admitted the initial date of engagement of these workmen and the date of termination.

From the admission of the management it becomes quite obvious that Sh. Birender Kumar has worked continuously from 24-12-1992 to 17-09-2002. Sh. Manish has worked from 04-03-1994 to 17-09-2002 continuously and Sh. Kuldeep has also worked from 12-04-1994 to 17-09-2002 continuously. It is admittedly proved that the workmen have worked for 240 days in every year of their employment almost for 8-10 years.

Sh. Birender Kumar has almost worked for 10 years continuously from 24-12-1992 to 17-09-2002. Sh. Manish Kumar and Sh. Kuldeep have worked for almost 8 years from 1994 to 2002.

Thus, it stands proved that the workmen have worked for more than 240 days work in each year of their employment from 1992 to 2002.

This issue is decided accordingly.

ISSUE NO. 2

It was submitted from the side of the management that the directorate is not an Industry as it does not render any direct services and it is not engaged in any production or supply/distribution of goods to satisfy the human wants and wishes.

The management is an undertaking of the Central Government. It is run under the Authority of Central Government. There is employer-employee relationship

between the management and the workmen. It carries on systematic activities. It is settled law that an undertaking may be an Industry even if it has no motive of gains and it is not carrying on any trade or business. In view of the criteria laid down in Bangalore Water Supply, Constitution Bench Judgement, the management is an Industry.

This issue is decided accordingly.

ISSUE NO. 3

It was submitted from the side of the management that a scheme called casual labourers (grant of temporary status and regularization) scheme of GOI of 1993 was formulated. It stipulates that temporary status would be conferred on all casual labourers who are in employment as on 10-09-1993, who had rendered continuous service of almost 240 days work.

It was further submitted that Sh. Birender Kumar has completed only 190 days prior to 10-09-1993 and Sh. Kuldeep and Manish have not performed any duty, so they were not given temporary status under regularization scheme of GOI 1993.

It was further submitted that the workmen moved the Hon'ble High Court of Delhi for regularization but the writ has been dismissed. The matter is still subjudice before the Hon'ble Apex Court. It is admitted that the services of the workmen were illegally terminated while industrial dispute was pending before the Conciliation Officer.

It appears that when the management got notice of raising of the dispute before the Conciliation Officer the services of the workmen were illegally terminated and thereby the management has infringed Section 33 of the ID Act, 1947.

It was submitted from the side of the workmen that the matter before the Hon'ble Supreme Court is subjudice regarding the fact whether the workmen deserve to be regularized under the scheme of 1993. It is to be decided by the Hon'ble Apex Court whether the scheme is one time scheme or it is on going scheme. The matter regarding reinstatement of these workmen is not subjudice before any Court of Law.

It was further submitted from the side of the workmen that in view of the postulates of Section 25F, the management was duty bound to make payment of retrenchment compensation and one month's pay in lieu of notice. These workmen have been illegally removed without payment of retrenchment compensation and one month's pay in lieu of notice. As such their services have been terminated in violation of Section 25 F of the ID Act, 1947. Such termination order is illegal, void and the workmen should be deemed to be still in employment as the management committed illegality by violating Section 25 F of the ID Act, 1947.

It is settled law that if a workman has worked for 240 days in a calendar year or within 12 months prior to the date of termination of his services he deserves reinstatement. In the instant case the workmen have worked

for 8 - 10 years and they have worked continuously for the entire period, so they are entitled to reinstatement.

It was submitted from the side of the bank that reinstatement is not the only relief in all the cases of illegal termination. Section 11 A of the ID Act, 1947 provides for payment of compensation also.

It was submitted from the side of the workman that compensation is payable in cases where an undertaking has become sick or it has been closed or it is in economic loss. It has not been established that the bank is in economic loss and it is a sick Industry.

My attention was drawn by the Ld. Counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh. The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid. This case law squarely covers the instant case.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wager even if serving for a short period should be reinstated.

It was submitted from the side of the workman that in the instant case Sections 25 F, G of the ID Act are attracted. In Section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of section 25 F are not complied. In the instant case no compensation has been paid to the workman.

In case a workman has worked for 240 days in a year and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid Section 25 F of the ID Act is attracted. There is no cessation of his services. He is deemed continued in service in the eye of law. In case there is breach of Section 25 F the service is continued and reinstatement follows as a natural consequence.

ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed unnecessarily so Sections 25 F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 show that the respondent management should not be permitted to indulge in any unfair labour practice. The workmen should not be engaged for years and then they should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that

he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid.

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularization and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Hon'ble Apex Court has not declared the provisions of ID Act un-constitutional. The Government has got no license to make always appointment of daily wagers and to continue them for life time. Fixed term tenure appointments and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 & 309 are infringed. There is no constitutional mandate that the Government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

No such Article of the Constitution has been pointed out under which the Government or Public Sector units can continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such discrimination will amount to vicious discretion. The Government or Public Sector unit will go on resorting to the method of pick and choose policy and give temporary and adhoc appointments to their favorites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provisions of the ID Act governing the services of the workmen have not been declared unconstitutional. Reinstatement is the remedy provided in the ID Act for breach of several provisions enumerated therein or for breach of service rules provided in various labour welfare legislations.

Section 11 A of the ID Act stipulates that in case the Tribunal is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstance of the case may require. According to this benign provision this Tribunal has the authority to set aside the order of discharge or dismissal and reinstate the workman on the terms and conditions as it thinks fit.

The Hon'ble Apex Court in 2006 (4) has not nullified Section 11 A of the ID Act and the legislature has authorized this Tribunal to set aside dismissal or discharge under consideration and direct reinstatement. The judgment clearly the consequence is not applicable in the facts and circumstances of the case.

A three Judge Bench of the Hon'ble Apex Court held in 1993-12-13 that termination of service affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the worker should be reinstated.

Reinstatement should not be misconceived as regularization. By the order of reinstatement the status quo ante of the workmen is restored. He is given back wages in order to compensate him for his illegal disengagement. This is a special remedy provided in ID Act and it has not been nullified and set aside by any judgment of the Hon'ble Apex Court. The provisions of the ID Act are still constitutional and they are to be given effect too.

In case the workman is reinstated with back wages the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that Sections 25, G & H of the ID Act are not violated.

In view of the law cited above and the facts pertaining to this case, the workmen are entitled to reinstatement.

Even in the constitutional bench judgment of Usha Devi case the Hon'ble Apex Court has held that if a workman has worked continuously for 10 years and without any break of law the Government should consider the feasibility of regularization of such workmen.

In view of this constitution bench judgment, the workmen deserve regularization. Whether the scheme of 1993 is one time or on going scheme and the workmen have completed 10 years service continuously and other workmen have completed 8 years service regularly.

The workmen are entitled to reinstatement and they deserve regularization also.

This issue is decided accordingly.

POINT NO. 4

It was submitted by the management that payment of full back wages is not the natural consequence of the order of discharge or dismissal being set aside. It has been held in (2003) 6 SCC 141 that it is impossible upon the management to decide the quantum of back wages.

The Hon'ble Justice held in this case that payment of back wages is a mandatory direction involved it has to depend on facts and circumstances of the case. No quantum can be fixed.

Delhi High Court in its judgment dated 26.10.2007 in 4 SCC 270 has held that the quantum of back wages in case of regularization and reinstatement the quantum of back wages must be determined by the law and there is no

delay at least on the part of the workers in raising the dispute.

In 1978 Lab SC 1998 – three Judge Bench of the Hon'ble Apex Court held that payment of back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge or non-renewal in such circumstances the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In 2003 IV AD SC 39 – three Judge Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified in this case the workers were performed more than 100 days work and he has been terminated without payment of wages and pay in lieu of notice.

It was submitted from the side of the management that reinstatement is not the only remedy. In such cases the workmen may be given compensation. Section 11 A of the ID Act, 1947 provides that in case of dismissal or discharge if found illegal reinstatement should be ordered. It has been held in a series of cases by the Hon'ble Apex Court that reinstatement with full back wages is the normal rule. The statute provides for reinstatement. In certain exceptional cases where the management has been closed down or it has become sick there may be order for payment of compensation.

The workmen are manual workers. They used to do some sort of work off and on. They are not employed in any establishment. They used to earn doing some sort of work for their own survival and for the survival of their family. In the facts and circumstances of the case the workmen are entitled to 25% back wages.

This issue is decided accordingly.

The reference is replied thus:-

The action of the Management of Department of Adult Education, Jan Nager Kshetra, New Delhi in terminating the services of Suniti Bhadoria Kumar, Manish Bhawan and Kuldeep Singh, manual labourers with effect from 17.9.2002 is neither just nor fair nor legal. The workmen applicants are entitled to be reinstated and regularized with 25% back wages within two months from the date of the publication of the award.

The award is given accordingly.

Date: 24-3-2008

R. N. DAI, Presiding Officer

Vijaynagar, 2 April, 2008

RECORDED IN THE RECORD BOOK OF THIS TRIBUNAL, 1947 (1973) 14 (1) 45 AND 17 (1974) 1 (1974) 14 (1) 45. THIS COPY IS TO BE MAILED AT THE WORKERS HOME, ADDRESS OF WHICH IS AS FOLLOWS: THREE 3 STORY HOUSE, 101, NEAR CHANDNI CHOWK, DELHI-110002. THIS COPY IS TO BE MAILED ON 24-3-2008 AND THIS COPY IS TO BE MAILED ON 24-3-2008.

RECORDED IN THE RECORD BOOK OF THIS TRIBUNAL, 1947 (1973) 14 (1) 45 AND 17 (1974) 1 (1974) 14 (1) 45. THIS COPY IS TO BE MAILED AT THE WORKERS HOME, ADDRESS OF WHICH IS AS FOLLOWS: THREE 3 STORY HOUSE, 101, NEAR CHANDNI CHOWK, DELHI-110002.

New Delhi, the 2nd April, 2008

S.O. 900.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 02.04.2008.

[No. L-22012/156/1998-IR(C-II)]
AJAY KUMAR GAUR, Desk Officer
ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/129/99

PRESIDING OFFICER: SHRI C. M. SINGH

The General Secretary,

M. P. Koyla Khan Lipik Sangh,
Ward No. 1, Behind Gadi,
PO: Sohagpur, Distt. Shahdol (MP) ... Workman/Union
Versus

The Sub Area Manager, ... Management
Amlai O.C. M of SECL,
PO: Amlai Colliery,
Distt. Shahdol (MP) Shahdol.

AWARD

Passed on this 25th day of March, 2008

1. The Government of India, Ministry of Labour vide its Notification No.L-22012/156/1998-IR(CM-II) dated 22-3-1999 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the management of the Sub Area Manager, Amlai Open Cast Mine, Sohagpur Area of the South Eastern Coalfields Ltd. in not giving promotion to Sh. K. K. Tiwari is legal and justified? If not, to what relief the workman is entitled?"

2. The order dated 14-12-05 on the ordersheet of this reference proceedings reveal that the reference proceeded ex parte against workman Shri K. K. Tiwari as no body put in appearance on behalf of workman inspite of sufficient service of notice. No statement of claim has been filed on behalf of workman.

3. The case of the management in brief is as follows. That the workman was initially appointed as General Mazdoor. He was working as General Mazdoor, Cat-I at Amlai OCM. The workman at no point of time worked as clerk in colliery store. He was never appointed as clerk. That the qualified person employed as General Mazdoor has been given preference for selection to the post of clerk as and when recruitment takes place. That to enable the existing employees for their selection to the post of clerk, they are granted opportunity to learn the work of clerk with

a view to built up their carrier but that doesnot mean that the employee is employed/deployed as clerk. The workman was never authorised to work as clerk against the sanctioned vacancy and the management never gave any assurance regarding his regularisation as clerk. The workman is equating his case with the other employees who have been regularised in the post. As such, the claim of the workman is baseless, misconceived and deserves to be dismissed.

4. As the case proceeded ex parte against the workman, there is no evidence on record on behalf of the workman.

5. The management in order to prove their case filed affidavit of their witness Shri Charan Singh, then working as Sub Area Manager, Amlai OCM in SECL, Sohagpur area.

6. I have heard Shri A. K. Shashi, Advocate, the learned counsel for the management. I have very carefully gone through the evidence on record.

7. The case of the management is fully proved and established from the uncontested and unchallenged affidavit of management's witness Shri Charan Singh. Therefore the reference deserves to be answered in favour of the management and against the workman without any orders as to costs.

8. In view of the above, the reference is answered in favour of the management and against the workman Shri K. K. Tiwari without any orders as to costs holding that the action of the management of the Sub Area Manager, Amlai Open Cast Mine, Sohagpur Area of the South Eastern Coalfields Ltd. in not giving promotion to Sh. K. K. Tiwari is legal and justified, and consequently the workman is not entitled to any relief.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.आ. 901.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. एल के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 69/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[सं. एस-22012/405/1994-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 901.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial

Dispute between the employers in relation to the management of SECL and their workmen, which was received by the Central Government on 02.04.2005.

[No. L-23012/405/1994-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer
ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

**NCL.CIT/AL/CR/6695
PRESIDING OFFICER: SHRI C. M. SINGH**

The President,
R. K. K. M. S.,
Post: Gorakhpur (Chitrakoot),
Distt. Surguja Workmen/Union

Versus
The Sub Area Manager,
Kurasia Sub Area, S.E.C.L.,
Post Kurasia Colliery,
Distt. Surguja Management

AWARD.

Passed on this 25th day of March, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-23012/405/94-IR (C-II) dated 2-5-95 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the Sub Area Manager, Kurasia Sub Area of SECL in taking work of raising Munshi from S/Shri Kuldeep Singh, Sukhdev Singh, Sudeshwar Prasad, Benimohan Ata, N. Dinesh Reddy & Ram Dulara Cat-I mazdoor & not regularizing them as Raising Munshi (clerk Gr-III) is legal & justified? If not, to what relief the concerned workmen are entitled?"

2. Vide order dated 29-11-06 passed on the ordersheet of this reference proceeding, the reference proceeded ex parte against the workmen/Union as inspite of sufficient service of notice on workmen/Union, no body put in appearance on behalf of workmen/Union.

3. The case of the management in brief is as follows. That the claim made by the workmen S/Shri Kuldeep Singh, Sukhdev Singh, Sudeshwar Prasad, Benimohan Ata, N. Dinesh Reddy & Ram Dulara is highly belied. That workman Shri Kuldeep Singh was appointed as casual mazdoor w.e.f. 1-4-85. He was regularized vide order dated 5-9-87 to the post of Cat-I w.e.f. 1-9-87. That again vide order dated 5-3-01, he along with the others were promoted as General Mazdoor Cat-II. That again he was promoted as EPGH in excavation GLE w.e.f. 1-5-03 vide order dated 24-4-03. Workman Shri Sukhdev Singh was initially appointed as casual mazdoor w.e.f. 1-11-1983. He tendered his resignation which was accepted by the Management vide office order dated 27-9-97. As he is no more in service, his claim has no substance. That workman Sudeshwar Prasad

was initially appointed as casual mazdoor w.e.f. 1-11-1983. He was placed as underground Munshi Gr. III w.e.f. 3-8-96 and his wages were fixed accordingly. Then he was promoted as Mining Stoker vide office order dated 13-6-02 fixed in mining stoker Gr. "C". As the workman is working in the higher grade, the claim for promotion to the post of raising Munshi Gr. III is not maintainable. Workman Shri Beni Mohan Ata was initially appointed as General Mazdoor w.e.f. 1-4-85. He was promoted to the post of Data Entry Operator vide office order dated 30-8-02. That on the basis of recommendation of DPC, he was promoted to the post of Punch Verifier Operator in T & S Gr. "D" vide office order dated 13-12-93. That again on the recommendation of DPC, he was promoted to the post of Punch Verifier Operator in T & S Gr. "E" vide office order dated 21-12-1991. That consequent upon the recommendation of DPC, the workman was again given promotion to the post of T & S Gr. "C" vide order dated 17-11-1995. That the workman is working in the higher post than the claim made in this reference. On this ground, the said workman has no case. That workman Shri N. Dillesh Reddy was initially appointed as time rated category I mazdoor w.e.f. 1-2-83. On the basis of recommendation of DPC, he has already been placed as Underground Munshi Grade-III w.e.f. 2-8-96 vide office order dated 23-6-96. That as the workman has already been given placement of underground Munshi Gr. III, the present reference becomes infructuous. That Shri Ramdulure was initially appointed as casual mazdoor w.e.f. 1-11-1983. That on the basis of recommendation of DPC, he was placed as Magazine/Store issue clerk Gr-II vide office order dated 30-8-96. As the workman has already been placed in Magazine/Store issue clerk Gr. III, the present reference becomes infructuous. That workman Shri Kuldeep Singh has been promoted to the higher post of EPGH in excavation Gr.B, Shri Sukhdev Singh has resigned from the service. Shri. Sudeshwar Prasad has been promoted as Mining Stoker, Beni Mohan Ata has been promoted to the post of Data Entry Operator, Shri. N. Dillesh Reddy has already been given placement as underground Munshi Gr. III and Shri. Ramdulure has already been given placement to the post of Store clerk Gr. III and therefore there is no substance in the claim of the claimants and deserves to be dismissed.

4. As the reference proceeded ex parte against the workmen/Union, there is no evidence on record on behalf of workmen/Union. The management in order to prove their case filed affidavit of their witness Shri Jafar Mohammad, then working as Sr. Personnel Officer in SECL, Chitrakoot Area.

5. I have heard Shri A. K. Shashi, Advocate, learned counsel for the management. I have very carefully gone through the evidence on record.

6. The case of the management is fully established and proved from the uncontested and unchallenged affidavit of their witness Shri Jafar Mohammad and therefore the reference deserves to be answered in favour of the management and against the workmen/Union without any orders as to costs.

7. In view of the above, the reference is answered in favour of the management and against the workmen/Union without any orders as to costs holding that the action of the Sub Area Manager, Kursia Sub Area of SECL in taking work of Raising Munshi from S/Shri Kukil Singh, Sukhdev Singh, Sudeshwar Prasad, Benimohan Atta, N. Dinesh Reddy & Ram Dulara Cat-I mazdoors & not regularising them as Raising Munshi (Clerk Gr- III) is legal & justified and consequently the workmen/Union are not entitled to any relief.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

S.O. 902.—ऑटोमोटिव विधाद अधिनियम, 1947 (1947 का 14) की वर्त 17 के अनुसार में, केन्द्रीय सरकार द्वारा सी.एस. के प्रबंधन के संबद्ध नियोककों और उनके कर्मकारों के बीच, अनुवंश में लिए आई ऑटोमोटिव विधाद में केन्द्रीय सरकार ऑटोमोटिव अपार्टमेंट, जबलपुर के पंचाट (संदर्भ संख्या 256/1997) को प्रकल्पित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[सं. एस-22012/352/1996-आई आर(सी-II)]

अध्ययन कुमार गौहा, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 902.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 256/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Disputes between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 02.04.2008.

[No. L-22012/352/1996-IR(C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BETWEEN THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL/CUM LABOUR COURT,
JABALPUR

No. OGIT/LC/R/256/97

PRESIDING OFFICER: SHRI C. M. SINGH

The General Secretary,
RKKMS(INTUC),
Post Chhindwara,
Distt. Chhindwara (MP)

...Workman/Union

Versus

The General Manager,
WCL, Pench Area,
Post Parasia,
Distt. Chhindwara (MP)

...Management

AWARD

Passed on this 25th day of March, 2008

I. The Government of India, Ministry of Labour vide its Notification No. L-22012/352/96-IR(C-II) dated 29-8-97/3-9-97, has referred the following dispute for adjudication by this tribunal:

"Whether the action of the management of WCL, Pench Area in dismissing Sh. Ginda, Timber Mistry, from service is legal and justified? If not, to what relief is the workman entitled and from which date?"

2. Vide order dated 31-5-06 passed on the ordersheet of this reference proceeding, the reference proceeded ex parte against workman/Union as no body put in appearance on behalf of workman/Union inspite of sufficient service of notice on workman/Union. No statement of claim has been filed on behalf of workman/Union.

3. The case of the management in brief is as follows. That workman was given a chargesheet dated 30-8-95 alleging that he was present only for 81 days in 1994 & 95 days only during 1995. A departmental enquiry was conducted against the workman according to rules properly and legally. The action of the management is fully justified. The management cannot keep such an employee in service who is regularly absenting himself from duty. The workman is, therefore, not entitled to any relief.

4. As the case proceeded ex parte against the workman/Union, no evidence is on record on behalf of workman/Union. In order to prove their case, the management filed affidavit of their witness Shri R.K.Sinha, then working as Sr. Personnel Officer at Shivpuri Sub Area of WCL, Pench Area.

5. I have heard Shri A. K. Shashi, Advocate, the learned counsel for the management. I have very carefully gone through the evidence on record.

6. The case of the management is fully established and proved from the uncontested and unchallenged affidavit of Shri R. K. Sinha, management's witness. Therefore the reference deserves to be decided in favour of management and against the workmen/Union without any orders as to costs.

7. In view of the above, the reference is answered in favour of the management and against the workmen/Union holding that the action of the management of WCL, Pench Area in dismissing Sh. Ginda, Timber Mistry, from service is legal and justified and therefore he is not entitled to any relief.

8. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.वा. 903.—सोलोगिक नियम अधिनियम, 1947 (1947 का 14) की कांति 17 के अनुसरण में, केंद्रीय सरकार हज़ार सी. एस. के प्रबंधनीय के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में सिविल सोलोगिक नियम में केंद्रीय सरकार औरोगिक अधिकारों, जबलपुर के पंचाट (संख्या 40/1995) को प्रकाशित करती है, जो केंद्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[सं. एस-22012/447/1994-आई आर(सी-II)]

अध्ययन बृहार गौड़, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 943.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.40/1995) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workmen, which was received by the Central Government on 2-4-2008.

[No. L-22012/447/1994-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LCR/40/95

Presiding Officer : SHRI C. M. SINGH,

The President,
S. K. M. S. (AITUC),
Post Eidgah,
Distt. Chhindwara.

... Workman/Union

Versus

The Manager,
Bhamori Colliery,
WCL, Post Bhamori,
Distt. Chhindwara

... Management

AWARD

Passed on this 25th day of March, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L- 22012 (447)/94-IR (C-II) dated 16-2-95 has referred the following dispute for adjudication by this tribunal:—

"Whether the action of the management of Bhamori Colliery of WCL, Pench Area, PO Bhamori, Distt. Chhindwara (MP) in dismissing Shri Lekhraj Tub Loader, T. No. 1098 of Bhamori colliery of WCL, Pench Area from services w.e.f. 15-9-92 is justified ? If not, to what relief the worker is entitled to?"

2. The case of workman Shri Lekhraj in brief is as follows: That he was working as Tub- Loader, Bhamori colliery. In the mine of Bhamori colliery and the campus thereof, there was no proper provision for the air. Workman Lekhraj fell

ill for doing his duty with more labour than he could do at his age. There was no provision for residence in the colliery. When the workers fell ill, they used to leave the colliery and go to their villages. They used to inform the management regarding leaving for their residential village. An agreement had taken place between workers and the management to assign another work to the weak and ailing tub loaders. The Union requested the management that workman Shri Lekhraj due to being ill and weak, be assigned work at time rate. But he was not given the work at time rate, and instead he was dismissed from services on 14-9-92. It is requested that the workman be reinstated in service with all back wages and benefits.

3. The case of the management in brief is as follows: That he was working as Tub- Loader at Bhamori colliery. He was issued a chargesheet dt. 9-2-92 by the Manager of Bhamori Colliery for the alleged commission of misconduct under clause 18(1) of the standing order applicable to Bhamori colliery for habitual late attendance and habitual absence without leave or without sufficient cause and also for habitual indiscipline. The reply to the chargesheet submitted by the workman was not found satisfactory and therefore a departmental enquiry was conducted against him according to rules. The enquiry was conducted properly and legally against him. The enquiry officer submitted his findings holding that the charges levelled against the workman stand proved beyond doubt. Having satisfied with the findings of the Enquiry Officer, the competent authority passed an order dismissing him from services w.e.f. 14-9-92. It is emphasised in their pleadings by the management that the action of management in dismissing the services of the workman is proper, legal and justified.

4. The ordersheet dated 21-3-95 reveals that the reference proceeded ex parte against the workman as despite of sufficient service of notice on him, no body appeared on his behalf.

5. Since the case proceeded ex parte against the workman, there is no evidence on record on behalf of the workman. The management in order to prove their case, filed affidavit of Shri S. D. Yadav, that working as Manager in Bhamori colliery of WCL, Pench Area.

6. I have heard Shri A.K. Shashi, Advocate learned counsel for the management. I have very carefully gone through the evidence on record.

7. The case of the management is fully proved from the uncontested and prechallenged affidavit of their witness Shri S. D. Yadav. Therefore the reference deserved to be answered in favour of the management and against the workman without any orders as to costs.

8. In view of the above, the reference is answered in favour of the management and against the workman Shri Lekhraj without any order as to costs holding that the action of the management of Bhamori Colliery of WCL, Pench Area, PO Bhamori, Distt. Chhindwara (MP) in dismissing Shri Lekhraj Tub Loader, T.No. 1098 of Bhamori colliery of WCL, Pench Area from services w.e.f. 15-9-92 is justified and consequently the workman is not entitled to any relief.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C.M. SINGH, Presiding Officer

राई दिल्ली, 2 अप्रैल, 2008

का.आ. 904.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार नेशनल सीइस कारपोरेशन लिमिटेड के प्रबंधातान्त्र के संचालन नियोक्तरों और उनके कार्यकर्त्ता के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, गुवाहाटी के पेंचाट (संदर्भ संख्या 9/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[सं. एल-42012/65/2004-आई आर(सी एम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 904.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Guwahati as shown in the Annexure in the Industrial Dispute between the management of National Seed Corporation Limited and their workmen, received by the Central Government on 2-4-2008.

[No. L-42012/65/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI ASSAM.

PRESENT: Sri H.A. Hazarika, Presiding Officer,
CGIT-Cum Labour Court, Guwahati.

In the matter of an Industrial Dispute between:
The management National Seed Corporation Ltd.,
Guwahati.

-Vrs-

Their Workman Sri Gopal Baruah and 3 others.
Ref. Case No. 09 of 2005.

APPEARANCES

For the management: Sri B.K. Das, Advocate.

For the Workman : Sri B. C. Pathak, Advocate &
Sri H. K. Gogoi, Advocate.

Date of Award: 26-3-08.

AWARD

1. The Government of India, Ministry of Labour, New Delhi vide its Notification No. L-42012/65/2004-IR(CM-II); dated 17-10-2005 referred this Industrial Dispute arose between the Management of National Seed Corporation Ltd., Guwahati and their workman in exercise of power conferred by Clause (d) of

sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) for adjudication on the basis of the following Schedule:

SCHEDULE

"Whether the action of the management of Regional Office, National Seed Corporation Limited, Guwahati in denying to confer/grant temporary status under Government of India, Temporary status Scheme, 1993 in respect of S/Shri Gopal Baruah, Parshuram Haloi, Arabinanda Kalita and Mahesh Nath from the date of their joining is legal and justified? If not, to what relief Shri Gopal Baruah and others are entitled?"

2. On being appearances of both the parties, the matter is proceeded for adjudication and to pass Award here as per procedure.

3. The case of the Workman (1) Sri Gopal Baruah, (2) Sri Parshuram Haloi, (3) Sri Arabinanda Kalita in brief that they are employees under the National Seed Corporation Ltd. That Sri Mahesh Nath who was also a workman along with them has already left and abandoned his service and not in the fray for his claim. That the name of the Workman No. 2 was sponsored by the Employment Exchange vide letter No. ORD-177/170/84/1666-1709 dated 18-9-84 as per requisition of the management and he was duly Selected for appointment as Peon in Group-D with effect from 30-10-1984. But violating the Recruitment Rules the management treated him a Workman on daily wage basis. That the Workman No.3 was also selected and appointed as Peon against the clear vacancy in Group D post with effect from 2-6-1986 vide letter No. I(S)/Adm-DSC/GHT/85-86/106 dated 11-6-86. That the Workman No. 1, who is an B.A. passed and having Diploma of Stenography and typing was also duly appointed against the existing vacancy as LDC with effect from 7-4-1986 at Guwahati but he was also placed by the Management as Workman of daily wage basis violating the completed Recruitment Rules. Accordingly the Workman are working 19/20 years of continuous service but still they are not absorbed on regular posts. Even they are deprived from getting benefit of Scheme implemented by the Government of India. That the formulated Scheme is known as Casual Labourers (Grant of Temporary Status & Regularization) Scheme of the Government of India, 1993. That the said Scheme is came into force with effect from 1-9-1993. Under that Scheme, if a Casual Worker having been put in continuous service for a period at least 240 days (206 days in the case offices observing 5 days week) shall be entitled for conferment of temporary status if such worker has been in engagement on the date of issue of the said scheme. As per the scheme the Casual Labourers with temporary status will also be entitled for regularization in Group D post. The workmen are entitled to the benefits of the said scheme as they had been working since 1984-86 continuously and on the dates when the scheme came into force and the notification was issued. The Workmen 1,2 and 3 are still working. The management, though they requested to regularise to them did not regularize them and they were allowed to work on daily wage basis. They raised the matter before the Assistant Labour Commissioner, Guwahati and who has directed the management to settle the matter but management did not

settle the matter. Hence, this Reference case. They prayed to regularize them and to give all the consequent benefits of their posts.

4. The case of the Respondent/Management in brief that the workmen are Casual Workers and worked temporarily as the department need their services. They were allowed to continue on the mercy of Regional Manager of Guwahati Branch. That all the three workmen were irregular in duties and were cautioned time to time with verbal warning. That the National Seed Corporation though having independent managing-cum-administrative body yet they are managed by the Ministry of Agriculture, Government of India as such, cannot take independent decision in the matter of appointment. For regular appointment sanction and approval of Ministry of Agriculture is required. That the National Seed Corporation Ltd. Suffering a huge loss in last few years as a result of that Government of India appointed Tata Consultancy Services for restructuring the Corporation. Tata Consultancy Services has taken action plan in respect of all the divisions of Corporation and requirement. The Tata Consultancy Services recommended 504 daily wage workers are surplus in the department and their services should be dispensed with. The Tata Consultancy Services recommended reduction of 50% of workers under the Voluntary Retirement Scheme. A Volunteer Separate Scheme under which Casual Workers are made discharged with handful of benefits like ex-gratia, gratuity besides EPF and a pensionary benefit as admissible under the law. As a result of which the Corporation is bound to reduce manpower because of loss it has suffered in recent past as per action plan given by the Tata Consultancy Services. The Corporation forwarded the name of the workers to higher authority but because of the restriction made by Government of India, the Corporation is helpless in the matter of regularization of the workmen. The Government repeatedly insisting of reduction of the manpower. Time to time though few vacancies were created that were specially for competent person for a specific job. There are 504 workers in N.S.C.L. all over India Branches. They all are in surplus list. The N.S.C.L. is taking utmost care and being very much sincere in paying the due payment to those casual workers. The N.S.C.L. has not rendered them helpless. Considering the present condition of the Corporation the Workmen ought to have been happily accepted the V. S. S. scheme and plan their future. The Corporation has not done any injustice to them. Having receipt the notice from Assistant Labour Commissioner, the Respondent took the matter to higher authority concerned for confirming temporary status to the workmen under the Scheme of 1993 but due to restructuring scheme of Tata Consultancy Services they could not do it. That out of 504 Casual Workers more than 200 workers opted for V. S. S. and gone accordingly. Therefore the management prayed that this proceeding may be ended by ordering the petitioners to accept V. S. S. with offered benefits for a suitable end of the case.

5. The Management examined Sri Gulab Chand Pathak, Regional Manager, National Seed Corporation Ltd., Guwahati and Sri Gangadhar Baishya, Administrative

Coordinator of N. S. C. L., Guwahati Branch as their witness. Both of them are cross-examined by learned Advocate Mr. B. C. Pathak for the workmen. The workmen, Sri Gopal Baruah, Sri Parasuram Haloi, and Sri Arabinde Kalita examined themselves in their side. They are also cross-examined by learned Advocate Sri B. K. Das for the Management. Heard the argument submitted in detail by learned Advocate Mr. B. C. Pathak for the Workmen and Sri B. K. Das for the Management. Perused the documents submitted by both the parties.

6. The Management witness Gulab Chand Pathak deposed that he knows all the three workmen working under the National Seed Corporation Ltd., Guwahati Branch as Casual Workers. They are Casual Employee and not regular employees as per meaning of the employee. For the control over their department is always done as per Central Government guidance. No terms and conditions were made with the three workmen to make them regularization. Due to losses incurred by the N. S. C. L. there is no new recruitment in last many years in their department and the Central Government is insisting to reduce the manpower. The Central Government handed over the matter for review with Tata Consultancy Services and Tata Consultancy Service recommended for reducing of manpower. Even for permanent employees a special scheme introduced namely V. R. S. by which a regular employee can go out with of handful benefits. As per the advise of Tata Consultancy Service one casual worker under Guwahati Branch opted for V. S. S. and gone out with handful amount. The contesting three workers were told to adopt V. S. S. and benefit of V. S. S. such as, Pensionary benefit, EPF, Ex-gratia, Gratuity were explained to them but they were not opted to go under V. S. S. In cross-examination he said he does not remember at the time of giving evidence about the exact date of appointment of Gopal Baruah as L. D. C., Parasuram Haloi as worker and Arabinde Kalita as Peon. He also deposed that to his knowledge they worked for about 20/22 years on daily wage basis. They worked continuously. He does not know how many workers are surplus. They are not regularization as the fresh recruitment is banned by the Government of India. The Management witness Sri G. D. Baishya similarly told that all the three workers are well known to him, they are casual workers. He also states that they are very irregular and not at all punctual on duties. That their services retain only on humanitarian consideration. For lack of their devotional attitude they were warned. In cross examination he stated that instructions were given from the Head Office for reduction of manpower for both permanent and casual workers. Since 1984 there is no regular recruitment in the Guwahati Regional of NSCL. Effort has been made from their end to regularize even now they are still working. As there is no post they could not be regularized. If they will get proper instructions from the competent authority they will regularization.

The evidence of workman Gopal Baruah, workman Parasuram Haloi, and workman Arabinde Kalita. If club together the list will be that they are working for 19/20 years on casual basis and their services are not regularization.

7. On very careful scrutiny of the evidence on record I find the Management under the advise of Tata

Consultancy Service want to reduce the manpower from the strength of 503 to its half. They introduced the scheme V. R. S., V. S. S. for the purpose of reduction of manpower. Of course they were offered with benefit of EPF, Ex gratia, Pensionary benefit and gratuity. What I find these schemes are voluntary schemes. If the employee like they may go under the Scheme or if not they may not opt for the same. Here the three employees namely Gopal Baruah, Parsuram Haloi and Arabinda Kalita claimed that they are working for 19/20 years, they are poor men. They should be given Temporary Status for their livelihood. What I find from the evidence and document in the record, admittedly, these three workers namely Gopal Baruah, Parsuram Haloi, and Arabinda Kalita are working not less than 19/20 years. I also find under the (Grant of Temporary Status and Regularization) Scheme they are entitled to have grant of Temporary Status. The Definition of Temporary Status is given in the (Grant of Temporary Status and Regularization) Scheme as follows :

"4. Temporary Status.—(i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week)".

8. On perusal of cross examination part of M.W.I, Sri G. C. Patak, I find admittedly the workmen are working for 20/22 years. It is also admitted that they are working continuously. When the workmen are working continuously for 20/22 years definitely they are covered under the (Grant of Temporary Status and Regulation) Scheme.

9. Under the circumstances, in my opinion, the workmen are working not less than 20 years and that too continuously as evident from the evidence of the Management witness themselves. It is pertinent to note here that in the last part of the Written Argument submitted by the Management it appears that the Management want to retain them. If the Management retain them and enjoy their service why so senior workmen will not be given Temporary Status. Admittedly they are senior workers. They should have been given Temporary Status. Hence, in my opinion, the Management is not justified for not conferring the Temporary Status to the concerned three workmen.

10. Under the above facts and circumstances, in my opinion, for ends of Natural Justice, this is a fit case where all the three workmen are to get Temporary Status. The Department should confer Temporary Status to those three workmen. Accordingly this issue is decided in favour of the three workmen and against the Management.

11. Award is passed accordingly and send it to Government immediately as per procedure.

H. A. HAZARIKA, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

कां.आ. 905.—अंतर्राष्ट्रीय विवाद अधिनियम, 1947 (1947 का 14) की वारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार, नं. 2, चंडीगढ़ के पंचाट (संर्व संलग्न 1195/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-04-2008 को प्राप्त हुआ था।

[सं. एल-22012/383/2004-आई आर(भी एम-II)]
अध्ययन कुमार गौड़, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 905.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1195/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 02-04-2008.

[No. L-22012/383/2004-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer
ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT II, SCTOR 18-A, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE I.D.: NO. 1195/2005

Registered on: 3-10-2005

Date of Decision: 14-3-2008

Sukhdev Singh S/o Shri Gurdas Singh,
C/o Trade Union Council, Patiala.

PETITIONER

Versus

The Senior Regional Manager (SRM),
FCI, Sector 31, Near Tribune Chowk,
Chandigarh.

RESPONDENT

APPEARANCE

For the Workman Mr. Sarabjit, AR

For the Management Mr. N.K. Zakhmi, Advocate.

AWARD

The workman continues to be absent, Management appears through counsel.

The perusal of the record of the file shows that the workman has all along played hide and seek with the proceedings in this case. Despite reported notices the workman once appeared in person on 23rd of August, 2006, two-three times through his representative who failed to file his authority letter to appear on behalf of the workman. The counsel for the Management has also failed to file his authority letter to represent the Management. The workman has not filed his claim petition so far. He has not appeared despite notice under registered cover postal receipt No. 8172 dated 5th of Dec, 2007. This shows that he has no interest in prosecuting this case.

The Government of India, Ministry of Labour vide their order No. L-22012/363/2004-IR(CM-II) dated 18th of August, 2005 desired of this Tribunal to adjudicate upon "Whether the action of the management of Food Corporation of India in terminating the services of Sh. Sukhdev Singh S/o Sh. Gurdas, Chowkidar w.e.f. 1-6-1995 is legal and justified? If not to what relief the concerned workman is entitled to and from which date?". As stated earlier the workman has not come forward to put up his case. There is therefore, nothing on record to show that the workman was engaged by the Management and it is they who had terminated his services on 1st of June, 1995. Therefore, the workman is not entitled to any relief. The reference is answered against him holding that he is entitled to no relief.

Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer
नई दिल्ली, 2 अप्रैल, 2008

S.O. 906.—ओमेश्वर मिशन अधिकारी, 1947 (1947 का 14) की पाता 17 के अनुसार में, सेक्टर एक्सप्रेस सरकार और नियम के प्रबोधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुसार में नियंत्रित ओमेश्वर मिशन में कोन्ट्रीय सरकार ओमेश्वर अधि-
कारी, नं. 2, नई दिल्ली के पंक्त (संपर्क संख्या 70/1995) को प्रकाशित करती है, जो कोन्ट्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[फा. नं. एस-22012/567/एफ/1994-आई अरा(सी-II)]
अधिकारी कुपार गौह, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 906.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/1995) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 2-4-2008.

[F.No. L-22012/567/F/1994-IR (C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER-CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N. RAI L.D. NO. 70/1995
IN THE MATTER OF:

Smt. Rita Madan & Ors.,
C/o The Additional General Secretary, FCI Employees' Congress, E-12/D(MIG),
Mayapuri, New Delhi 110064.

—Claimant

VERSUS

The Zonal Manager (N),
Food Corporation of India,
4th Floor Aneel Bhawan, K. G. Marg,
New Delhi.

—Respondent

AWARD

The Ministry of Labour by its letter No. L- 22012/567/F/1994-RC-II Central Government Dt- 25-6-1995 has referred the following point for adjudication:

The point runs as under:

"Whether the action of the management of PCI in denying the seniority of Mrs. Rita Madan, Urmila Mahajan, Geeta Sharma, Neelima Nigam and S/Smti Sabit Singh Sahrawat, Santosh Sharma, Surinder Singh, Prem Suneja and Santosh Sharma above the seniority of fresh recruits recruited during 01-11-1973 and March/April, 1976 is fair and justified? If not, what relief the concerned workmen are entitled?"

The workmen applicants have filed claim statement. In the claim statement it has been stated that above referred Asstt. Grade-III were appointed by the Regional Manager, PCI, RO, New Delhi on adhoc/temporary basis despite the fact that regular vacancies already existed during July 1973 at that particular point of time.

That after some time, there was overall reduction in establishment in PCI in North Zone (in Delhi at ROs alone) and services of these officials were terminated on 31-10-1973.

That on arrival of fresh vacancies, instructions were issued by the HQs. To accommodate the retrenched employees by way of reappointment before making any fresh appointment as is the provision in the Industrial Disputes Act, 1947 as amended from time to time.

That unfortunately enough it so happened that before accommodating some of the retrenched employees who were the rightful claimant, fresh recruitment was reported to a clear violation of the provisions of the ID Act, 1947 which provided preference to retrenched employees over the fresh recruits.

That arising as a consequence of this statement the matter had to be represented by the individual/taken where these retrenched employees also were re-appointed including those who had grown over age such as Sh. Surinder Singh and Santosh Sharma.

That consequent to above anomaly the particulars of direct recruits vis-a-vis retrenched employees for the purpose of seniority which is maintained in the PCI, Zonal Office (N) were also forwarded accordingly making the direct recruits senior to the retrenched employees re-appointed making the matter from bad to worse thereby. The seniority list in Zonal Office (N) was finalized on the same basis.

Thus, retrenched employees have been handicapped, they were re-appointed later than the fresh recruits and also were made junior to those fresh recruits in sheer violation of all norms of justice and fair play, which is gross injustice unabatedly continues without any remedy in the matter despite all out hectic efforts of the individuals/taken through various representation on the subject despite the fact that in one of the latest judgment on the subject in question stating in no ambiguous terms in award as that entire period of service including that of daily wage, casual and temporary has to be compensated towards service pay and other benefits, hence this claim before you.

honour being carte blanche in the seat of justice with an humble prayer in all earnestness to restore the seniority in favour of the retrenched employees from the date of their original appointment including payment of back wages along with the interest plus arrears for the period by which they were appointed later than the fresh recruits as if was none of their fault and responsibility for the lapse rests with the management alone.

The management has filed written statement. In the written statement it has been stated that the applicants have no locus standi to make any such claim, hence the same is liable to be dismissed in limine.

That the applicants have no cause of action against the respondent and the claim application is liable to be dismissed.

That the application is vague, malafide without any legal right and the same is liable to be dismissed.

That it is submitted that the applicants were appointed as AG(III) (M) in July, 1973 and they were retrenched on 31-10-1973. After their retrenchment the applicants neither made any claim against the retrenchment or issued any notice to the respondent for the same nor they entitled for any claim. However, as at the time of recruitment of AG (III) (M) in 1976 were re-employed on preference basis as per the Zonal Office (N) D.O. communication No. A-1(21)/75-76/N2/dated 09-02-1976 attached herewith as Annexure-I and Hqrs. Circular No. N-11/74 -EP dated 06-03-1976 annexed herewith as Annexure-II the applicants were re-employed on preference basis and they were given seniority over the fresh recruits taken in 1976.

That is also submitted that it is well settled law that the retrenched employees have only a right of preference in any future employment by the same employer and no other right. And their re-employment shall be considered as fresh appointment only and the claim of the applicants is malafide and without any cause of action.

That it is submitted that the respondent instructed for re-employment according to the procedure laid down in Annexure-I & II attached and the applicants were given preference in the appointment made in the year 1976 as per provisions of the ID Act, 1947.

That it is also denied that the retrenched employees were not given preference over the fresh recruits of 1976 as AG(III)(M). It is submitted that the applicants were given preference in re-employment in 1976 as per provisions of ID Act, 1947 as amended up to date as is also clearly evident from the circulars issued by the respondent which are annexed herewith as Annexure I & II. It is submitted that these retrenched AG(III)(M) were re-employed during March, 1976 and fresh Panel in respect was drawn in Delhi on 31-03-1976.

That it is denied that the retrenched employees were re-appointed on the representation of the union as alleged. It is submitted that the management of the respondent itself took the initiatives and immediately after the relaxation of ban on further employment, issued circulars dated

09-02-1976 and 06-03-1976 for re-employment of these retrenched employees/applicants.

That it is pertinent to mention that the matter as to seniority of the fresh recruit vis-a-vis retrenched employees is pending and subjudice in K & K High Court wherein seniority of AG (III) (M) has been challenged in Writ Petition No. 967/86 and 416/87 titled Sh. Kishan Lal & Ors. Vs. FCI and Ors. And the Hon'ble High Court has granted stay order on 20th October, 1986.

The workmen applicants have filed rejoinder. In the rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workmen that they were appointed by Regional Manager, FCI R.O: New Delhi on ad hoc/temporary basis despite the fact that regular vacancy already existed during 1973 at that point of time. That after sometimes overall reduction in establishment in FCI in North Zone (in Delhi) at R.O: alone, services of these officials were terminated on 31-10-1973.

It was further submitted that before accommodating some of the retrenched employees fresh recruitment was resorted to, in clear violation of the provisions of the ID Act, 1947.

It was further submitted that the seniority of these retrenched employees should be re-store from their original appointment including payment of back wages along with interest plus arrears from the date of their original appointment i.e. July, 1973.

It was submitted from the side of the management that these workmen were retrenched on 31.10.1973 due to shrinkage in the work. They were re-employed as AG (III-M) in 1976 on preference basis as per the Zonal Office (N) D.O. and they were given seniority over the fresh recruits taken in 1976.

The retrenched employees have only a right of preference in any future employment by the same employer and no other right. These workmen have already been given preference over the fresh recruits in 1976 as AG (III-M).

It becomes quite obvious from perusal of the evidence of the management that during the period from 31-10-1973 to 06-03-1976 there was no fresh employment for the post of AG (III-M) in Delhi Region. In Delhi Region no appointment whether ad hoc or regular has been made of AG (III-M). The seniority is maintained by the Zonal Office on the basis of regionwise appointments of the employees on the basis of the seniority and the Zonal Office has to maintain the seniority of all the employees without any interference of the concerned region.

I have perused the seniority list prepared by the Zonal Office, there is no appointee in the post of AG (III-M) in Delhi Region.

It also becomes quite vivid from the perusal of the seniority list that it was prepared in 1979 and 1981. In Delhi Region there is no appointment of AG (II-M) as there was shrinkage of work and there was no fresh recruitment. However, there were appointments in the other regions. Zonal Office seniority list is prepared on the basis of seniority of all the regions. It has been specifically mentioned in the seniority list of 31-12-1979 that the employees may point out errors and omissions in the seniority list and service particulars within 30 days from the date of its preparation. These workmen did not file any objections to the seniority list prepared on 31-12-1979. They have not filed any objection to the seniority list of 1981. They have filed this case in the year 1995 after a lapse of 16 - 17 years.

It is settled law that stale claim should not be entertained. They should have raised objections within 30 days when seniority list was prepared in 1979.

It was submitted from the side of the management that there is no explanation of delay. Not to speak of plausible or satisfactory explanation. There is no explanation at all what prevented the workmen to approach this forum after a long period of 16 - 17 years. It is settled law that stale claim made after an inordinate and unexplained period should not be entertained.

My attention was drawn to 2005 (5) SCC page 91 para 12 and 13. The Hon'ble Apex Court has held that long delay impedes the maintenance of the records. Related claim should not be considered.

It has been held in (2001) 6 SCC 222 as under:

"Law does not prescribe any time limit for the appropriate government to exercise its powers under section 10 of the Act. It is not that this power can be exercised at any point of time and in revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service."

In the instant case reference has been made after a delay of long 16 - 17 years. Limitation Act is not applicable in ID cases but stale cases should not be considered. Delay in the instant case is inordinate and relief can be rejected on the ground of delay alone.

It also transpires from perusal of the records that there was absolute ban on recruitment from October, 1973 to February, 1976 in Delhi Region only. There was no appointment in Delhi Region during the aforesaid period. However, there were appointments in the other regions and those appointees have been working regularly since 1973 onwards. These workmen were engaged on ad hoc basis in July, 1973. They worked hardly for 3 - 4 months and there was shrinkage of work, so their services were retrenched. However, when there was relaxation in appointment, these workmen were given preference and they were rehired.

The AG (II - M) in the other regions have been working continuously and regularly from 1973 onwards these workmen worked for only 3 - 4 months in the year 1973 and they have been again re-employed in the year 1976. In case their seniority to July, 1973 is restored they will be put over the employees regularly working in the other regions. These workmen worked for 3 - 4 months and due to shrinkage of work their services were retrenched. They were taken again in 1976 and they have got the over the fresh recruitment of 1976 in Delhi Region. There is no justification in placing these workmen over regularly working employees of the other regions. Retrenchment of these workmen was legal so no right has accrued to them. They have been given re-appointment as per the circular of the FCI. The rights of the workmen who joined the services of the FCI in the other regions will not be adversely affected if the workmen suspended operations so far as the back wages are concerned, the workmen worked for only 3 - 4 months. They were validly retrenched. In view of the provisions of the ID Act, 1947 they are entitled to re-employment and they have been given re-employment. No workman of AG (II - M) of Delhi Region has been placed over them. The AG (II - M) of the other regions serving the management regularly since 1973 cannot be placed below these workmen who were re-appointed in view of the provisions of ID Act, 1947. They are not entitled to get even back wages.

The reference is replied thus:-

The action of the management of FCI in deriving the seniority to Mrs. Rita Madan, Ursula Malhotra, Geeta Sharma, Neelima Nigam & S/Srini Sabit Singh Chawhan, Santosh Sharma, Surinder Singh, Praveen Singh and Santosh Sharma above the seniority of fresh recruitment recruited during 01-11-1973 and March/April, 1976 is fair and justified. The workmen applicants are not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 18-03-2008

R. N. RAI, Presiding Officer

of Tribunal, 2nd floor,

No. 32, 907, अंडमान बिल्डिंग, नई दिल्ली (1947 का 14) यहाँ पर्याप्त है, जिसके अन्तर्गत विभिन्न सभा एवं प्रतिष्ठित संसदीय संगठनों के संघर्ष में विभिन्न दलों की ओर से कार्रवारी की जाती है, अनुच्छेद 2 विधायिका विधान सभा में विधायिक संसद और अधिकारी विधान सभा, न. 2, या नियमों के रूपमें (विधायिक संसद 168/2005) यह अनुच्छेद कहलाती है, जो कोर्टीज विधान सभा को 02-04-2008 को प्राप्त करना चाहता है।

[पा. नं. पर-22012/5/2003-या. वा. (विवरण-11)]

कार्य संसद विभाग, नियम विभाग

New Delhi, the 2nd April, 2008.

S.O. 987.—In pursuance of Section 47 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (No. 1002/2008) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2,

New Delhi as shown in the Annexure, in the industrial dispute between the management of FCI Training Institute, and their workmen, received by the Central Government on 24-4-2008.

[F. No. L-22012/S/2003-IR.(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, NEW DELHI

PRESIDING OFFICER: R.N.RAI I.D. No. 108/2005

IN THE MATTER OF:

Shri Rakesh Kumar,
S/o Shri Nikhid Naryan Singh,
191, Janta Jiwan Camp,
C-43, Okhla Phase - III,
New Delhi - 110020.

VERSUS

Food Corporation of India,
FCI Training Institute,
Plot No. 87, Sector - 18,
Gurgaon - 132001 (Haryana)

AWARD

The Ministry of Labour by its letter No. L22012/S/2003 IR(CM-II) Central Government dt. 22-03-2005 has referred the following point for adjudication.

The point runs as hereunder:

"Whether the action of the management of Food Corporation of India, Gurgaon in terminating the services of Shri Rakesh Kumar S/o Shri Nikhid Naryan Singh, Chowkidar w.e.f. 6-4-1998 is legal and justified? If not, to what relief the workman is entitled?"

The workman applicant has filed claim statement. In the claim statement it has been stated that this petitioner's services continued as such till 31-3-1996 and thereafter was managed through a contractor security agency to tide over the statute and regulations and to deprive this petitioner of the legitimate of regularization which has become due to this petitioner after he has worked for more than the stipulated period of service but since this petitioner used to work over there i.e. site office during its construction stage and thereafter used to perform security duties for the end - use and benefit of the respondent i.e. Food Corporation of India but this petitioner's services was not regularized and after having worked for more than 240 days his service was orally terminated when he was working through a stage managed security agency and he was verbally told one day that the agreement has been terminated and his services was no more required and accordingly his services was orally terminated without any written termination order having been issued and communicated to him.

That he had worked at this site office of the Food Corporation of India, i.e. Central Training Institute, Gurgaon under construction during its construction stage but when

this petitioner's service period has reached 93 days i.e. more than 90 days, then one day Shri Y.D. Munjal deleted his attendance for three consecutive days in the attendance register with his own handwriting because had his service for this period of three days been counted, then this petitioner would have got an automatic regularization and confirmation in the Food Corporation of India during those days itself because normal period counted for regularization was 90 days during those days itself which was later on increased to 240 days. A copy of the said make believe Attendance Register maintained in the handwriting of Shri Y.D. Munjal stands already submitted by this petitioner to the Government of India for making a reference of this Industrial Dispute to this Industrial Tribunal.

That since this petitioner's service were terminated in an illegal and arbitrary manner on 6-4-1998 after having worked for more than 240 days in a year in violation of the statutory provisions/without following the due process as established by law (and earlier also after having worked for more than 90 days during a year), so this petitioner was left with no other alternative but to knock at the door of justice.

That the above said action of the management of the Food Corporation of India by firstly getting this petitioner appointed through its incharge at the work site (CTI under construction) of the respondent and later on getting this petitioner's services managed through a security agency and thereafter getting the same dispensed with through itself appointed security agency i.e. contractor when the job of guarding the constructed building is continuing even at present by arranging other persons in an illegal and arbitrary manner and this termination was got done in spite of the availability of job and after the termination of this petitioner, the management has also engaged other persons for the same very work i.e. guarding this building during its continuing even now by engaging other persons as was being performed earlier by this petitioner.

The management has filed written statement. In the written statement it has been stated at the very outset it is submitted that there is absolutely no merit or substance or truth whatsoever in the purported claim filed by the petitioner. It is submitted that the allegations and averments as made by the petitioner vide the present claim, are false and frivolous and have been fabricated with obvious motivated reasons. In view of the above; and malafide intention the present claim is liable to be dismissed on this ground itself. It is further submitted that the facts stated in the above mentioned claim before this Honourable Tribunal the petitioner be put on to strict proof of the same.

That the services of the petitioner was hired by the respondent through the Agency on the contract basis as per provisions of the Contract Labour (Regulation and Abolition) Act, 1970. The few documents related to the services hired by the respondent are being annexed herewith for the kind perusal of this Honourable Court and the same may be read as part of this written statement. It is pertinent to mention here that the petitioner filed frivolous petition No. before the Hon'ble High Court of Delhi pleased to dismiss the same as withdrawn by the petitioner.

The services of the petitioner was hired by the respondent through the Agency on the contract basis as per provisions of the Contract Labour (Regulation & Abolition) Act, 1970.

It is submitted that the wages for the period which petitioner worked for FCI was properly and duly paid as per provisions of the Contract Labour (Regulation & Abolition) Act, 1970.

It is reiterated that the services of the petitioner was hired by the respondent on through the Agency on the contract basis as per provisions of the Contract Labour (Regulation & Abolition) Act, 1970.

It is submitted that the respondent hired the services of the petitioner in a lawful manner, and also procured its non-enforcement, legal obligations towards the petitioner, it is further submitted that respondent was never defaulter of any legal act. The petitioner's claim is not only illegal in intent, improper but also against the law and the judgments has also been given by the Hon'ble Supreme Court of India.

The workmen applicant has filed rejoinder. In the rejoinder he has reiterated the statements of his claim statement and has denied most of the parts of the written statement. The management has also denied most of the parts of the claim statement.

www.bu.edu/soe/curriculum/soe/teaching-areas/17-SP-2013

**Planned arrangements from both the sides and perceived the
dimensions the involved.**

It was submitted from the side of the workman that he was initially engaged by Sh. Y.D. Munjal, Asstt Manager, Food Corporation of India, Central Training Institute, Block No. 57, Sector-17, Gurgaon as 'Chowkidar-wala' Peon to Guard the premises under construction of respondent for the use and benefit of Food Corporation of India. The petitioner was entrusted to guard the site office under construction. Thereafter the petitioner's services were managed through contractor. He has completed 240 days in every year of his employment. His services were terminated illegally and arbitrarily on 6-4-1998 after having worked for more than 240 days in a year in violation of statutory provisions/without following the due process as established by law.

It was submitted from the side of the management that the Training Institute was under construction, watch and ward staff was deployed. Tender was invited from the security agencies for supplying Security Guards for watching the premises. M/s. V.S. Security, Gurugram, M/s. Aswath Security, management Parkhouse & M/s. Great Ex. Servicemen Pvt. Limited, New Delhi were assigned job. The workman was deputed by these security agencies. The workman started under M/s. V.S. Security Gurugram in January, 1995 and February, 1995. He worked under M/s. Aswath Security management from March, 1995 to December, 1995 and from December, 1996 to April, 1998. He worked under M/s. Great Ex. Servicemen Private Limited,

New Delhi. The management made payment to the agencies and agencies paid the workmen and deposited the CPF. The workmen was never appointed by the Food Controller of India directly.—800. TIE, TIE

The Workload, bimonthly photostory of attendance sheet, it has been written over first page ~~and~~ ~~and~~ daily register. It is on black paper. It is written in the name of the management. It does not bear any seal or signature of the management.

It was further submitted that it is necessary to take attendance of watch and ward guard for the purpose of payment. The ~~workmen~~ worked under the control and supervision of the security agencies who employed him.

The workman has admitted in his cross-examination that he was initially engaged by Mr. Munjal in the year 1996. Thereafter he was shown to have been engaged through different agencies. The management has filed letters written by different agencies and agreements with the agencies. The security agencies have given certificate regarding the working of the workman. It indicates that the workman was engaged through security agencies. The security agency issued certificate.

From perusal of the documents filed by the management it becomes quite obvious that this workman was entrusted the work of guarding the training institute under contract with the security agencies. The workman worked under the contract with the security offices and

Constitution of Contract Labour is not a permanent nature of work. Engagement of contract labour is not prohibited for security work temporary in nature. The workman was engaged for guarding the site of the construction. With such temporary nature of work the management can take the help of security agencies for watch and ward. The security agencies decided what is to be done and how it is to be done. The entire work of watch and ward of the building under construction was entrusted to the security agencies and they supervised security measures. The workmen worked under the control and supervision of the security agency. The contract cannot be said to be sham of rate. The work of guarding the premises under construction can be entrusted to security agencies. Such employees are not required for such nature of temporary work.

There is no employer-employee relationship between the management and the programme. He is not entitled to get the benefits of Section 25 E of the ID Act, 1947.

REFERENCES *Journal of Clinical Endocrinology* 1995; 136: 103-108.

The Nation of India, the Government of India, Corporation of India, Gurugram, acknowledging the services of Shri Rakesh Kumar S/o Shri Nitish Narayan Singh, Chowkidar w.e.f 6-4-1998 is legal and justified. The workman is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 26-3-2008
R-A-55177 Chetwai, Jhunjhunu
Sri Sri Radha Kripa Bhawan

शुद्धि-पत्र

नई दिल्ली, 2 अप्रैल, 2008

का.आ. 908.—इस मंत्रालय की अधिसूचना संख्या एल-22012/259/1994-आईआर(सी-II), जो भारत सरकार मुद्रणालय में दिनांक 25-2-2008 को प्रकाशन हेतु भेजा गया था, की सीमित लाइन में पंचाट संदर्भ संख्या 407/2K5 की बजाय संदर्भ संख्या 497/2K5 पढ़ा जाए।

[सं. एल-22012/259/1994-आईआर(सी-II)]

अजय कुमार गौह, डेस्क अधिकारी

CORRIGENDUM

New Delhi, the 2nd April, 2008

S.O. 908.—The Reference No. mentioned in the third line of the notification of even number dated 25-2-2008 may be read as 497/2K5 instead of 407/2K5.

[F. No. L-22012/259/1994-JR(C-II)]

AJAY KUMAR GAUR, Desk Officer

नई दिल्ली, 2 अप्रैल, 2008

का.आ. 909.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अमन्यायालय नं. II, नई दिल्ली के पंचाट (संख्या 10/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[सं. एल-42012/66/91-की-II(वी)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 909.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/92) Central Government Industrial Tribunal-cum-Labour Court, No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 2-4-2008.

[No. L-42012/66/91-D.II(B)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, NEW DELHI

Presiding Officer : R.N. Rai

L.D. No. 10/1992

In the matter of:

Shri Babu Lal,
S/o Shri Kanhiya Lal,
R/o A-221, J.J. Colony, Tughlaq,
Khanpur, New Delhi-110062.

Versus

The Executive Engineer,
CPWD (Civil),
AR-1st-CD-II,
C.G.O. Complex, Lodhi Road,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/66/91/D-II(B) Central Government dated 19-12-1991/6-I-1992 has referred the following point for adjudication.

The point runs hereunder :

"Whether Sh. Babu Lal was the workman of CPWD, New Delhi? If so, whether the action of the management CPWD in terminating the services of Shri Babu Lal w.e.f. 28-6-90 is justified? If not, what relief he is entitled to and from what date?"

The workman applicant has filed claim statement. In the claim statement, it has been stated that the workman was a Government workman and he was a Carpenter w.e.f. 3-9-1988 and has drawn last wages @ Rs. 1000 P.M. The workman was deputed at CPWD (Civil), AE-1st-CD-II CGO Complex, Lodhi Road, New Delhi.

That as per the demand of the above said facilities the management have giving the assurance for providing the said facilities to the workman but instead of providing the legal facilities, the vindictive management without any cause or reason illegally, wrongfully and unjustifiably terminate the services of the workman on 28-6-90 without paying the terminal benefits. The said termination is illegal and void.

That on 28-6-90 when the workman Sh. Babu Lal demanded the above said legal facilities from the Assistant Engineer at the working place but the revengeful management reject the demand of the workman. While on service the workman was shocked on the same day i.e. 28-6-90 when the revengeful management asked him that his service were terminated with immediate effect. The said termination is illegal, wrong and unjustified and against the principle of natural justice. The management also withholds the wages for the period of June, 1990. The management has not issued any type of show cause notice or charge sheet prior to terminate the services of the workmen.

That the workman so many times approached the management and demanded re-instatement with full back wages and continuity of services but the management willfully reject the demand of the workman and all the efforts of the workman are in vain.

That the whole action was taken by the management at once and asked the workman that his services were no longer required by the management/authority and his services were hereby terminated with immediate effect i.e. 28-6-90.

That the authorities action has been taken by the management which cast stigma on the career of the workman's services. The workman is entitled for reinstatement with full back wages and continuity of services with full benefits as the management has been illegally and wrongfully terminated the services of the workman. The workman is unemployed since the date of termination. That the said termination of services of the workman is illegal, bad in law, mala fide being the glaring act of victimization.

The management has filed written statement. In the written statement it has been stated that the suit is not maintainable as the claimant is not a Govt. workman and the Labour Courts have no jurisdiction to try this suit. The suit is liable to be dismissed on this very ground.

It is absolutely incorrect to suggest that the claimant was Government workman. He was never appointed as a Carpenter but was given the contract work to do the maintenance and repair work in Government residential quarters after executing short term agreement on prescribed Form 11-A of CPWD vide No. 30/AE/CD-II/88-89 & No. I order (photo copy attached vide Annexure A&B). The work order was enclosed on 22-5-90 as the work was no more required.

It is wrong and denied that the claimant was performing any duties as a workman. He was not a workman, but in the capacity of an individual contractor was dealing with the concerned Junior Engineer or Assistant Engineer. There was no question of any satisfaction with the performance of the "work and duties" of the workman by the management/respondents.

The claimant is not entitled for any such facilities claimed herein nor he was offered any such facilities in the work contract. The officials 1 to 2 had not come in contact with the claimant at any stage of the work contract and hence there was no question of any annoyance.

No assurance whatsoever was given to the claimant. There was no termination of services was as alleged. The work contract expired on 22-5-90 and he was duly paid for the work done through work order for the period of his contract. The claimant was not entitled for any terminal benefits as alleged nor there any termination of services was involved in the instant case.

No payment was ever withheld. The contract dues for May, 90 were paid on 1-6-90 and the claimant had already received the payment, after putting his signature in the books of accounts maintained by CPWD. There was no need for issue of any show cause notice or to serve charge sheet as alleged. The claimant was merely a contractor and his work contract was closed on 22-5-90.

Allegations contained in this para are absolutely wrong and hence denied. The claimant was not entitled for any type of wages or continuity of services. He was a contractor and was given the work against the work-order

Form 11-A. There was no question of reinstatement as alleged by the claimant.

Contents of this paragraph are absolutely wrong and hence denied. It was simply a work being done on contract basis. In view of the statement in the preceding para no. 6, no further reply is required in this regard.

The claimant was not entitled for any thing other than what was payable under the terms of the contract which had been paid to him from time to time. There was no question of rejecting any demand as alleged. No illegal, wrong or justifiable action has been taken against the claimant.

Contentions raised in the corresponding paras of the plaint are denied. It is only a figment of imagination. The claimant is not entitled for reinstatement nor for any wages because he was never employed as a workman by the Government and all the dues of the contractor have been duly cleared as per terms of the agreement.

It is reiterated that claimant was never a workman of the Depit. The management/respondents do not come in picture in any way in the matter of his employment. There was no question of any victimization as alleged. The claimant was a contractor and not a workman.

The alleged demand notice dated 16-8-90 was nothing but and after thought device to project himself in the garb of workman to somehow get entry as a workman in CPWD. The claimant was working as a contractor and all the dealings with CPWD came to an end on the expiry of the contract on the completion of work on 22-5-90.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement.

Evidence of both the parties has been taken.

It transpires from perusal of the record that the case was posted on 21-2-2008 for argument. It has been transferred to this court vide order dated 11-2-2008. Notice by registered post was sent to both the parties on 21-2-2008 fixing 10-3-2008 for argument. On 10-3-2008 none appeared. The case was reserved for award. However, the parties were given 7 days time for advancing argument. None has turned up till date. The case is decided on the merits after perusing the oral as well as documentary evidence. Registered notice sent to both the parties has been received back. Both the parties have filed written brief. Perused the written brief.

It was submitted from the side of the workman that the claimant was engaged as a Carpenter w.e.f. 3-9-1988 and his last drawn salary was Rs. 800 per month. The workman demanded the facilities of a regular workman but instead of providing the legal facilities the vindictive management without any cause, illegally, wrongfully and un-justifiably terminated the services of the workman on 28-6-1990 without paying the terminal benefit.

It was submitted from the side of the management that the workman was not a government employee and this court has no jurisdiction to try this case. The CPWD is an Industry run under the authority of the Central Government. The workman is allegedly casual daily rated worker of the respondent, so this court has jurisdiction.

From the perusal of the photocopy documents filed by the workman it transpires that he executed an agreement for doing the work of Carpenter for five months in September, 1988. He has signed all the pages of the agreement. The workman has filed another contract agreement dated 1-4-1989. The workman has worked for five months in view of the agreement.

It was submitted from the side of the management that the workman was given the contract work to do the maintenance and repair work in government residential quarters after executing short term agreement in prescribed form 11-A of CPWD in 1988-1989. The work order was closed on 22-5-1990 as there was no requirement. The claimant worked in the capacity of individual contractor under the concerned Engineers.

The contract of the work expired on 22-5-1990 and the claimant was duly paid for the work done through work order for the period of his contract.

The workman has worked almost for one and half years under two different contracts. It has been specifically stipulated in the contract that he will carry out the work of repair of government residential buildings.

The workman has admitted in his cross-examination that Ex. MW1 and MW2 bear his signature. He has further admitted that he did not know whether he was working as contractor or on appointment basis. He has further said that he has not read the document which he signed and he did not object to the signing of the documents at any stage. In the oral evidence the workman has also stated he has signed two agreements MW1 and MW2 and he was not sure whether he was working on contract basis or on appointment basis. In view of this also the workman does not deserve reinstatement.

It was further submitted that there was temporary increase in work and a Carpenter was required for repair of furniture of the government quarters, so the workman was given two short term contracts. One from September, 1988 and other from 1990. He performed the work of repair. The work was of temporary nature. Regular employees could not be engaged for such short work of repair of furniture of residential quarters.

The workman has not filed any other paper to prove that he worked continuously for 240 days under the control and supervision of the management except the two agreements. The work of temporary nature such as repair of furniture of government quarters can be got done by engaging any technician or skilled workman. Such work is not perennial in nature. Engagement as contractual labour for short term temporary work is not prohibited by Contract Labour (Regulation & Abolition) Act, 1970. The workman has worked as per assignments for a temporary nature of work and he has not proved that he has worked for 240 days under the control and supervision of the management.

The management has filed MW1 and MW2, contract agreements for repair of the furniture of government quarters. The workman has signed these two documents. He has been given fixed term appointment twice. He has himself stated that he was not sure whether he worked on contract basis or appointment basis. The termination of services of the workman is not retrenchment in view of Section 2 (oo) (bb) of the ID Act, 1947.

The reference is replied thus :

Sh. Babu Lal was not the workman of CPWD, New Delhi. The action of the management of CPWD in terminating the services of Shri Babu Lal w.e.f. 28-6-1990 is justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 24-4-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.अर. 910.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार महानगर टेलीफोन निगम लिमिटेड के प्रबंधित के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में तिरिच्छ औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/प्रम न्यायालय नं. II, नई दिल्ली के पंचाय (संदर्भ संख्या 19/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[सं. एस-40012/100/89-डी.टी.(बी)]

अवश्य कृपार, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 910.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/90) Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mahanagar Telephone Nigam Limited and their workmen, which was received by the Central Government on 2-4-2008.

[No. L-40012/100/89-DJII(B)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, NEW DELHI

Presiding Officer : R.N. Rai

I.D. No. 19/1990

In the matter of :

Shri Ram Kishan,
S/o Shri Roop Lal,
R/o Vill. & P.O. : Gharot,
Distt. : Faridabad (Haryana)

Versus

- 1. Construction Officer (Cable) - V.G.S.** A. on behalf of
Maharashtra Telephone Nigam Ltd. C. 22, Community Center, New
Delhi-28.

2. Chief General Manager,
Maharashtra Telephone Nigam Ltd.,
Kharwadi Lal Bhawan,
New Delhi-50.

ANSWER

The Ministry of Finance by its letter No. L-4004/2/100/20/D-II Central Government has referred the following point

The point comes as hereunder :

"Whether the action of the management of CDC V/S MTNL in stopping Sh. Ram Kumar daily rate workman to join duty w.e.f. 29-12-18 is justified? If not what relief the workman is entitled to?"

The respondent applicant has filed claim statement. In the claim statement it has been stated that the petitioner was initially engaged as Daily Wages Worker by Amtt. Engineer Phones (Cable), Jorbagh Telephone Exchange, under Flyover Bridge, Defence Colony, New Delhi in September 1981 through Employment Exchange. The said office of telephone was under jurisdiction of

That ever since his engagement as Daily Wages workman, the petitioner has been in continuous and regular employment of the Management, earlier known as Delhi Telephone, till Feb. 1986 and later was transferred in MTNL, the present Management, consequent upon formation of Mahanagar Telephone Nigam Ltd., under the Govt. of India alongwith the other regular and Daily Wages workmen and others MTA till his voluntary termination on 29-12-86, 30-12-

That the workman developed illness and was unable to perform his duties. Accordingly, after giving him notice as regards to his inability to perform duties on account of his illness as his officer, the workman availed Medical Leave w.c.t. 26-9-57.

That the workman/petitioner was in Medical Leave w.o.f. 26-9-87 to 28-12-88 and that on being declared fit by the attending doctor on 28-12-88, the Workman reported for duties on 29-12-88 alongwith Medical Certificate and fitness Certificate with the Respondent's being workers Unit Office.

That however, to his utter surprise, the Respondent arbitrarily did not take the workman on duty. The workman's explanation and request went in vain.

That on such by not allowing, worked to resume duties on 29-12-58, the Respondent No. 1 impliedly terminated the workman's services.

Their workmen/petitioners were always willing to work, and as will/willing to work, but due to bad and rigid

attitude of the government, the construction work has been failed resulting in the present situation which no one can know.

That it is estimated that the Missouri never issued any notice to the members of Congress from services in war directed to the privilege of voting.

That by not following the written and previously received 'Memorandum of Law' from VASCO, the Company Management has denied the extremely important petitioner's fundamental rights guaranteed under Article 14, 14(1) and 31 of the Constitution of India and T.

PROVISION OF INDUSTRIAL EQUIPMENT The firm has set up show of industrial equipment worth Rs. 2,000, and another of Rs. 2,000.

That the Act of the Parliament relating to the services of the workmen/peasants is unjustified, inhuman causing much damage to the peasants of India after having withdrawn all of the service, the workmen/peasants were made often regularization and other consequences which took that stage he has been deprived of his family the right to work but also his life blood because of the new Murray Committee.

That without prejudice the above, it is submitted as per the applicant's case, showing he did not pay the dues after 26-9-1987. M/s. Mohan alleged that he (which he could not attend the duties due to this reason) it can be submitted that the applicant never informed about his alleged illness and never applied for pay leave nor was granted any. He in fact did not come to office w.e.f 26-9-1987, for a long period. In the circumstances respondent had no alternative but to assume that the

applicant was not willing to continue in service who was working only on daily-wage basis.

It may be submitted that as an after-thought and maliciously, the applicant is contending that the applicant reported for duty on 29-12-1988 although this is denied, according to the applicant's own admission his whereabouts from 26-9-87 to 28-12-88 were not known. This clearly amounts to abandonment of services by the applicant.

The applicant was engaged as daily rated mazdoor in the office of A.E. (Cable) in September, 1981 under the jurisdiction of erstwhile Delhi Telephones. He continued to work in the said unit till February, 1986. From February, 1986 to September, 1987, the applicant worked in the office of Construction Officer (Cable V-South), Mahanagar Telephone Nigam Limited.

It is further submitted that the applicant was never removed from service or his services were terminated. In fact he abandoned his services after 25-9-87. No communication either written or oral either about leave or his whereabouts was ever received by the Respondents. Submissions in this respect have already been made above.

It is denied that the applicant was suffering from T.B. and that he underwent treatment for one year. It is vehemently denied that he proceeded on medical leave w.e.f. 26-9-1987. Facts of the case are as stated above, according to which he abandoned his services w.e.f. 26-9-1987 and the said sickness is only an alibi to cover-up his unauthorized absence. No phone call ever received by any of his unit office, where he worked till 25-9-1987. Had he been really suffering from a dreaded diseases like T.B. he could have received treatment at Delhi itself where many specialist clinics are also available. Medical and fitness certificates appear to be manipulated one and the respondents would like to withhold any further comments on the medical or fitness certificate at this stage and would make appropriate submissions in this respect at relevant stage.

The applicant is taking this plea as an after thought he did not come to the duties w.e.f. 26-9-1987 and his whereabouts were also not known from for quite sometime and he had abandoned the job of his own accord. The question of termination of his services does not arise. The applicant has left blank about his so-called wages per day and therefore, the respondent is not in a position to comment on the same.

It is submitted that the respondent stated the correct position before the Conciliation Officer by filling reply dated 14-6-1989, a copy of which is enclosed and marked as Annexure-R-1.

The respondent has not terminated the services of the applicant and it is the applicant who has abandoned the job of his own accord, the question of arbitrary termination or violation of the provision of Industrial

Dispute Act etc. does not arise. All the allegations in these paras are based on the so-called termination by the respondent which itself is false, therefore, there is no force in any of these allegations.

The workman has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from the side of the workman and perused the papers on the record.

Registered notice has been served on both the parties. The workman turned up. None has turned up from the side of the management till today for advancing argument.

It was submitted from the side of the workman that he was initially engaged as daily wages workman by Assit. Engineer (Phones) in Defence Colony, New Delhi through employment exchange. He was initially engaged as daily wager but he has served the management continuously and regularly till 25-9-1987.

It was further submitted that the workman developed sickness and was unable to perform his duties. He informed the management accordingly on being declaring fit on 28-12-1988. The workmen reported for duty on 28-12-1988 along with medical certificate. The workman was not taken on duty on 28-12-1988.

The case of the management is that the services of the workman were never terminated. In fact he abandoned his services after 25-9-1987. Since there was no termination of the services of the workman and the workman has abandoned services of his own accord. The termination is not illegal and the reference is not maintainable. The workman has himself stated that he fell ill and he did not come from 26-9-1987 to 29-12-1988. He was a casual labour. He has no right to post. When he did not turn up, other casual labour was engaged in his place. The workman in his cross examination has admitted as under :—

"It is correct that I had not sent any application or medical certificate to the management about my illness and request for leave. That I had telephonically informed one Mr. Pipli Sahib and requested him to grant me medical leave. I had telephoned the said officer after I had fallen ill but I cannot tell the date and month."

From the above admission it becomes quite obvious that the workman did not send any application or medical certificate to the management about his illness and he did not make any request for leave. The workman has further admitted that he telephoned to the concerned officer but he expressed his inability to tell the date and month.

He has further admitted that he did not re-collect the name of Doctor who treated him Koikalan.

The workman has given his address in his claim Vill. & Post, Gharret, Distt. Faridabad (Haryana). He has filed photocopy of certificate of Dr. of Mathura.

The workman has further admitted as under :

"It is correct that I was not given any termination letter by the management and I myself stopped coming to resume my work."

The workman has admitted himself that he stopped coming to the work. The workman has not filed any prescription of his treatment of TB. TB is not such a disease that a patient could not move. In case he suffered by TB. He could still contact the management. He has admitted that he did not send any application along with medical certificate. He has admitted that he was absent for one year. He has admitted that he stopped coming to work himself. Section 25F of the ID Act, 1947 is attracted only when there is illegal and arbitrary termination. This is a case of abandonment. The workman was a daily wager. He has no right to service. He has voluntarily abandoned the work of casual labour. In such circumstances the management may engage another casual labour in his place.

The workman has not proved that he was suffering from TB. He has filed only photocopy of medical certificate. The management has termed it as forged one. The workman is residing at Faridabad whereas the certificate of the Dr. is of Mathura. The certificate does not appear to be genuine. The workman has not proved his claim statement. The provisions of Section 25-F of ID Act, 1947 is not attracted. It is a case abandonment and not of termination.

The reference is replied thus :

The action of the management of COC—V(S) MTNL in stopping Smt. Ram Kishan daily rated workman to join duty w.e.f. 29-12-88 is justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date 25/3/2008

R.N. RAI, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

कानून 911.—ऑपरेटिंग विभाग अधिनियम, 1947 (1947 प्रा. 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार रक्षाकारी सरकार द्वारा संचालित को संबद्ध नियोजकों और उनके वर्तमानों को भीषण अनुरोध में विदेशी ऑपरेटिंग विभाग में केन्द्रीय सरकार औपरेटिंग विभाग व्यवस्थापन व्यावाहिक भू. - II, नई दिल्ली के पंचाट (संदर्भ संख्या 67/91) से प्रत्यारित होती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ है।

[पान सं. एस. 42012/159/90—आईआर(ट्रिय)]

संभाल कुमार, डेस्क अधिकारी

New Delhi, the 3rd April, 2008.

S.O. 911.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the letter (Ref. No. 67/91) Central Government Industrial Tribunal cum-Labour Court, No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Kalawati Sarai Children Hospital and their workmen, which was received by the Central Government on 2-4-2008.

[P.No. L-42012/159/90-IR(DU)]

AJAY KUMAR, D.M.O. Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : R.N. Rai

LD. No. 67/1991

In the matter of:

Smt. Radha Devi,

W/o Shri Raju,

Sahai Karanchari/Sweeper,

C/o Hospital Employees Union,

Aggarwal Bhawan, G.T. Road,

Tis Hazari Courts,

Delhi-110054

.....Claimant

Versus

The Medical Superintendent,

M/s. Kalawati Sarai Children's Hospital,

Baba Kharak Singh Marg,

New Delhi-110001.

.....Respondent

AWARD

The Ministry of Labour by its letter No. L-42012/159/90-IR(DU) Central Government dated 3-5-1991 has referred the following point for adjudication:

The point runs as hereunder :

"Whether the action of the management of Kalawati Sarai Children Hospital, New Delhi in terminating the services of Smt. Radha Devi w.e.f. 10-3-1989 is justified? If not, to what relief she is entitled to and from what date?"

The workman applicant has filed claim statement. In the claim statement it has been stated that Smt. Radha Devi joined into the employment of Kalawati Sarai Children's Hospital w.e.f. 29-5-1986 as a Sahai Karanchari. She was being treated as a daily rated/casual/unskilled soft worker and was being paid wages as fixed and revised from time to time under the Minimum Wages Act by the Delhi Administration, Delhi for unskilled workers. However, in the month of April, 1989 she was being paid Rs. 850 per month while her counterparts who were doing the identical

work but being treated as regular employees were being paid their salaries in the pay scale of Rs. 750—940/- with usual allowances admissible under the rules. They were also enjoying other benefits like uniform, casual and medical leave, gazetted/festival/restricted holidays and medical leave etc. which were completely denied to the workman aforesaid. She has an unblemished and interrupted record of service to her credit.

That the services of the workman aforesaid have been terminated w.e.f. 10-5-1989 by refusal of work by Sh. Ved Prakash Tanwar, Supervisor.

That the above action of the management is wholly illegal, bad, unjust and malafide for the following amongst other reasons.

That the job against which the workman aforesaid was working was of a regular and permanent nature of job. In fact, she was working against a vacant post of Safai Karamchari.

That employing persons on regular nature of jobs and treating them as casual/daily rated/master roll workers for indefinite period and paying them lesser remuneration than those who are doing the identical work amounts to unfair labour practices as provided in Section 2 (ra) read with item No. 10 of the Vth Schedule of the ID Act, 1947.

That the workman aforesaid has been meted out with hostile discrimination as juniors to her have been retained in service and she has been thrown out of job.

That it amounts to sheer exploitation of labour.

That it is violative of Article 14, 16 and 39 (d) of the Constitution of India.

That no seniority list was displayed, no notice was given, no notice pay was either offered or paid and no service compensation was either offered or paid to the workman aforesaid at the time of termination of services.

That no notice was served on the appropriate Government for effecting the retrenchment of the workman aforesaid.

That even otherwise, the impugned termination of services is violative of Sections 25 F, G, & H of the ID Act, 1947 read with Rules 76 and 77 of the Industrial Disputes (Central) Rules, 1957.

That the workman aforesaid is unemployed since 10-5-1989.

The management has filed written statement. In the written statement it has been stated that the matter before this Hon'ble Tribunal is misconceived and is not maintainable under law as the applicant had never been the regular employee of the Hospital, she was only daily rated casual worker and she was only engaged whenever there was any work for her in the Hospital.

That the Hospitals do not come within the purview of the ID Act, 1947 in view of its amendment which took

place in 1982. All Hospitals have been excluded as such this Hon'ble Tribunal has no jurisdiction.

That Lady Harding Medical College and Associated Hospital including Kalawati Saran Children's Hospital is a subordinate office of DGHS/M/o. Health and Family Welfare and all the rules and regulations of the Central Government are applicable to the employees of this institution. This institution was taken over by the GOI on 1-2-1978 vide acquisition and Misc. Provisions Act, 1977. In this Act this institution has been excluded from the purview of the ID Act, 1947. Specific provision made is reproduced below :—

The Act under Chapter 4 — Misc. para 10(2) provides as under :—

"Notwithstanding anything contained in the ID Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other employees employed in, or in connection with the affairs of the Lady Harding College and Hospital or the Kalawati Saran Children's Hospital to the Central Government shall not entitle any such officer or other employees to any other compensation under that Act or any other law and no such claim shall be entertained by any Court/Tribunal or other authority."

The Supreme Court overruled their earlier judgment in the management of Safdarjung Hospital Vs. Kuldeep Singh Sethi and held all hospitals would be within the purview of the ID Act, 1947. The Act has however been amended by Industrial Disputes (Amendment) Act, 1982 to exclude other hospitals, dispensaries, educational scientific research or training institutes.

In view of the above Labour Court does not have jurisdiction to try the case of Smt. Radha Devi, a daily wage worker.

An indisciplined and inefficient daily worker cannot claim the right of being kept in service.

It is stated that Smt. Radha Devi was engaged on daily wages basis w.e.f. 29th May, 1986 with usual breaks.

Her work was not found satisfactory. There were repeated written and verbal complaints about irregular attendance, unsatisfactory work from units wherever she was posted to work. Therefore, her services as a daily wage employee were discontinued.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of her claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the workman Smt. Radha Devi joined in the employment of

Kalawati Saran Children Hospital w.e.f. 29-5-1986 as a Safai Karanchari. She was being treated as daily wager and was being paid wages as fixed and revised.

That the services of this workman were illegally terminated on 10-5-1989 by refusal of work by Sh. Ved Parkash Tewari, Supervisor. It was further submitted that the workman was working against the job of regular and permanent nature of work. She was working at the vacant post of Safai Karanchari. This workman has been meted out hostile designation as junior to her have been retained in service and she has been thrown out of job. No seniority list was displayed. No notice was given. No retrenchment compensation was given to this workman. The management has violated Section 25F, G & H of the ID Act, 1947 read with rule 76 and 77 of the ID Central (Rules) 1957.

It was submitted from the side of the management that the matter before this Tribunal is mis-conceived and is not maintainable as the workman is not a regular employee of the hospital. She was daily rated casual labour and she was only engaged whenever there was any work for her in the hospital.

It was further submitted that the hospital do not come within the purview of ID Act, 1947 in view of its amendment which took place in 1982. All hospitals have been excluded from the jurisdiction of the Industrial Tribunal.

It was further submitted that the Hon'ble Apex Court in the judgment Safdarjung Hospital Vs. Kuldeep Singh Sethi held that all hospitals would be within the purview of ID Act, 1947 but the Act has been amended by Amending Act, 1982 to exclude the hospitals, dispensaries, Scientific Research and Training Institute etc.

So far as the Amended Act, 1982 is concerned it has not perhaps been enforced so far. It is true that in the Amending Act Hospitals, Dispensaries etc have been excluded from the definition of Industry. The decision of the Bangalore Water Supply of 1978 of the Hon'ble Apex Court still holds the field and wherever there is employer-employee relationship and there is existence of systematic activities which may not be for gains or manufacturing of commodities, the industry will come under the definition of Industry. The change of definition of Industry included in the Amending Act of 1982 has not been enforced, so the management is still an industry in view of the judgment of the Constitution Bench of the Hon'ble Apex Court of India.

The management has filed documents regarding the working of this workman. According to the own admission of the management the workman has worked for 226 days from 1986 to March, 1987. The workman has further worked from April, 1987 to March, 1988 for 240 days. The management has also admitted that in the years 1988 and 1989, the workman worked for 35 days and in the year 1989-1990 she has worked for 25 days. The workman was refused work on 10-05-1989 as is the case of the claimant.

From the certified copy of the working days filed by the management it becomes quite obvious that the workman has worked for 226 days in the year 1986-1987 and 242 days in the year 1987-1988. Thus, the workman has completed 240 days work in 1986-87 & 1987-88 as Sundays and Holidays are to be calculated while calculating working days in view of the judgment of the Hon'ble Apex Court and in view of Section 25 (b) of the ID Act, 1947 which defines continuous working.

Thus, the workman has worked for 240 days in two years. In the preceding other two years she has completed only 35 days and 25 days work.

It is true that the workman has not completed 240 days work in a calendar year prior to termination of service or within 12 months preceding the date of termination of her service. However, she has worked for 240 days in the previous two years.

It is settled law that in case a workman has worked for 240 days in any of the years of his employment he is entitled to retrenchment compensation and notice pay. The management has not paid any retrenchment compensation or pay in lieu of notice to this workman. It was submitted from the side of the workman that the workman was not punctual and sincere in her work. She was transferred to different places.

From perusal of the photocopy documents it transpires that the workman was removed as she was not properly performing her work and there were several complaints against her, so the management was compelled to discontinue her.

From perusal of the working days of this workman in 1988-1989 it becomes quite obvious that she was given only 35 days work in 1989-90 and she was given only 25 days work also. This discloses the fact that the workman was not performing the duties sincerely and honestly i.e. why she was not permitted to perform her duties in 1988-89 and 1989-90 for the whole year.

It was submitted from the side of the management that no notice regarding un-satisfactory work of the workman has been given to her. The management was duty bound to give memo to the workman and serve a chargesheet and hold inquiry to prove the fact that the performance of the workman was not satisfactory.

The workman was not a regular employee. She was a casual daily rated employee. Casual daily rated employee has no right to any post. She has only a right of being conferred temporary status of a master roll after performing duties for some years as prescribed. In case the management is compelled to give memo and hold inquiry in respect of unsatisfactory performance of casual labourers, there will be no end of chargesheets and inquiries. So far as casual labourers are concerned, they can be removed in case their performances are not found satisfactory. A casual worker is just like probationer and

he has no right to post. Serving of charge sheet and holding of the inquiry is not essential.

The services of this workman was not satisfactory. It can be ascertained by job assigned to her in 1988-89 and 89-90. She has been assigned job for only 60 days in these two years. This establishes the fact that she was not very much sincere in performing her duties and i.e. why she was not engaged all the year round. The management has communicated this fact to the Desk Officer when she made a complaint. Thus, the work of this workman was not satisfactory i.e. why the management did not assign her further duties in her last two years.

The workman has performed 240 days in the year 1986, 1987, 1988 and she has not been paid any retrenchment compensation or pay in lieu notice. Even if the management found her service un-satisfactory the management was duty bound to make payment of pay in lieu of notice and retrenchment compensation for two years services performed for more than 240 days in every year. This workman is not entitled to reinstatement as her work was not found satisfactory but she is entitled to compensation. The management should have made payment of 15 days wages for each completed years and one month's pay in-lieu of notice. The management has not done so. She has worked only for two years. In the circumstances she is entitled to Rs. 50,000/- compensation in lieu of reinstatement and pay in lieu of notice not paid in the year 1990.

The reference is replied thus: The action of the management of Kalavati Saran Children Hospital, New Delhi in terminating the services of Smt. Radha Devi w.e.f. 10-05-1989 is not absolutely justified. The workman is entitled to compensation of Rs. 50,000/- (Rs. Fifty Thousand Only) by way of compensation within two months from the date of the publication of the award.

The award is given accordingly.

Date: 26-3-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

S.O. 912.—ऑटोमोटिव विकास अधिकारी, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकोम फैब्रिक के प्रबंधन के संघटन नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑटोमोटिव विकास में केन्द्रीय सरकार औटोमोटिव अधिकारण/अंग्रेजी न्यायालय, कोलकता के पंचाट (संदर्भ संख्या 16/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[फा. सं. दल-40012/346/99-आई आर (टी. यू.)]

अवधि कुमार, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 912.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/2000)

Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Factory and their workmen, which was received by the Central Government on 02-04-2008.

(F. No. L-40012/346/99-IR(DU))
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 16 of 2000

Parties: Employers in relation to the management of Chief General Manager, Telecom Factory and Their workmen.

President: Mr. Justice C.P. Mishra, Presiding Officer

APPEARANCE :-

On behalf of the Management	:	Mr. R.N. Bag, Advocate.
On behalf of the Workmen	:	Mr. K. Chatterjee, Advocate.
State	:	West Bengal.
Industry	:	Telephones
Dated:	:	26th March, 2008

AWARD

By Order No.L-40012/346/99-IR(DU) dated 10-02-2000 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Telecom Factory, Gopalpur (W.B.) in terminating the services of Sh. Sanjib Das w.e.f 1-10-98 is legal and justified? If not, to what relief he is entitled?"

2. When the case is called out today, none appears for the workman, nor any step is taken on his behalf to proceed with the matter. Learned Advocate for the management is present and prays that appropriate order may be passed for disposal of the matter. It appears from the record that none is appearing on behalf of the workmen since 17-01-2007 inspite of service of notice, nor any step is taken on his behalf so that the matter may be disposed of on merit. In such circumstance it is clear that the workmen is no longer interested in the present matter under reference.

3. Since the workman is no longer interested to proceed with the matter under reference, this Tribunal has no other alternative but to dispose of the present reference by passing a "No Dispute" Award. A "No Dispute" Award is accordingly passed and the present reference is disposed of.

Dated Kolkata 26-3-2008

C. P. MISHRA, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.आ. 913.—ऑफिशियल विकाद अधिनियम, 1947 (1947 का 14) की बाप्त 17 के अनुसार में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधकार्ता के संबंध नियोजकों और उनके कर्मकार्ता के बीच, अनुबंध में निर्दिष्ट ऑफिशियल विकाद में केन्द्रीय सरकार ऑफिशियल अधिकारण/श्रम न्यायालय न. II, चट्टानगढ़ के पैकेट (संहित संख्या 735/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को ग्राह्य हुआ था।

[पा. सं. एस-40012/380/99-आई आर(ओ.पू.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 913.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 735/2005) Central Government Indus. Tribunal-cum Labour Court No II, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 2-4-2008.

[F. No. L-40012/380/99-IR (DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR 18-A, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE ID: NO 735/2K5

Registered on: 1-9-2005

Date of Decision: 14-3-2008

Madan Lal S/o. Shri Gurbaik Singh C/o Shri N.K.Jeet, President, Telecoms Labour Union, Mohalla Hari Nagar, Lal Singh Basti Road, Bhatinda.

—Petitioner

Versus

The General Manager, Telecom, Bhatinda, Punjab.

—Respondent

APPEARANCE

For the Workman : Mr. N. K. Jeet, A.R.

For the Management : Mr. G. C. Babbar, Advocate.

AWARD

The parties continue to be absent. The workman last attended the Tribunal on 2nd of August, 2007 on which date the workman was directed to produce his evidence. On the request of the workman a direction was issued to the Management to produce the record summoned by the workman or in the alternative file an affidavit that the record is not available. The Management reported in writing that the record is not available but failed to certify that fact by

an affidavit of some responsible officer of the Management. The workman has also shown lack of interest in following his case. After 8th of Dec, 2006 the workman appeared only on 2nd of August, 2007 and neither before nor thereafter. He has not appeared as witness in the case to prove his affidavit. He has also not brought on record any evidence to show that the Management of General Manager, Telecom, Bhatinda had terminated his services illegally and without any justification. The claim made by him has been denied by the Management in their written statement. Besides having taken legal pleas it is their claim that the Management had entered into contract with different contractors for the supply of labour and there was no occasion for engaging the workman by the Management. The copies of the agreements placed on record support their claim. Against this the workman has not produced any evidence. So much so he himself has got shy to come and stand to the cross-examination of Management. Thus his claim has remained only on paper. On record there is no evidence to show that the General Manager, Telecom, Bhatinda had engaged the workman and he had terminated his services illegally. Thus the reference received from Ministry of Labour, Government of India vide their No. L-40012/380/99-IR(DU) dated 9th of Feb, 2000 is answered against the workman holding that he is not entitled to any relief.

Let a copy of this award be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.आ. 914.—ऑफिशियल विकाद अधिनियम, 1947 (1947 का 14) की बाप्त 17 के अनुसार में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधकार्ता के संबंध नियोजकों और उनके कर्मकार्ता के बीच, अनुबंध में निर्दिष्ट ऑफिशियल विकाद में केन्द्रीय सरकार ऑफिशियल अधिकारण/श्रम न्यायालय न. II, चट्टानगढ़ के पैकेट (संहित संख्या 215/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को ग्राह्य हुआ था।

[पा. सं. एस-40012/233/2002-आई आर(ओ.पू.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 914.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 215/2005 Cent. Govt. Indus. Tribunal-cum Labour Court No II, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 02-04-2008.

[F. No. L-40012/233/2002-IR (DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR 18-A, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE I.D. NO: 215/2KS

Registered on : 3-8-2005

Date of Decision: 14-3-2008

Mohinder Singh S/o Sh. Amar Nath R/o Village & P.O, Jaja, Tehsil Dasuya, Hoshiarpur.

PETITIONER

Versus

The General Manager, Telecom, Hoshiarpur.

RESPONDENT

APPEARANCE

For the Workman: Messrs. Gopal Kumar Saini
and S.S.Khokhar, Advocates.

For the Management: Ms. Deepali Puri, Advocate.

AWARD

The following reference was received from Ministry of Labour, Government of India for adjudication vide their order No L-40012/233/2002(IR (DU) dated 25th of March, 2003:

"Whether the action of General Manager, Telecom, District Hoshiarpur in terminating the services of Sh. Mohinder Singh S/o Sh. Amar Nath, w.e.f. 1/3/99 is legal and just? If not, what relief the workman is entitled to and from which date?"

In response to the notice of the reference issued by this tribunal the parties appeared. The workman filed his statement of claim and supported the same with his affidavit and Photo copies of the document marked as A to G. He also appeared as witness in the case and was cross-examined by the Management through their counsel. The conduct of Management in putting upon their case has remained quite strange. All through the proceedings they did not file the authority letter of their counsel who was allowed to appear on their behalf on her filing the Memorandum of appearance dated 25th of August, 2003. They filed reply to the statement of claim dated 25th of Feb, 2005 through Shri Dharam Pal, SDE(Legal) in the office of GMT(D) Hoshiarpur without showing that said SDE was duly authorized by the General Manager, Telecom, District Hoshiarpur to appear on his behalf. The reply was also signed by the MS Deepali Puri, Advocate who too did so without authority as stated earlier. Her authority to appear in the case is not on record. The Management placed on record the Affidavit of said Dharam Pal in support of their reply, but the reading of the affidavit shows that the Management went far beyond their pleadings in controverting the facts claimed by the workman without first controverting the same in the reply whereas the affidavits are filed only in support of the pleadings. The

Management claimed that they are not an industry but has produced no evidence in support of their claim. They further claimed that the workman had earlier raised the same claim which resulted into a reference under I.D. Act registered as ID. 54 of 2001 but they have not filed any proof to show that both the references arise out of the same cause of action. The management, thus has failed to assist the tribunal properly in answering the reference in hand.

It is further to be taken note of that the workman filed an application dated 19th of April, 2006 asking for a direction to the Management to produce the original record of document, photo copies of which he had placed on record and marked as 'A' to 'G'. The notice of the application was given to the management, but they did not file reply to it and the tribunal by its order dated 21st of Feb, 2007 directed the Management to produce the documents in the case but they have not produced the said documents. In the affidavit of Shri Dharam pal, their witness they claimed that they had not engaged the workman; and that they had an agreement with one Shri Ram Krishan, Budh Ram Colony, Jodhamal Road, Hoshiarpur for providing the labour for performing emergency work. But they have failed to produce the agreement or even the affidavit of the contractor named to show that there was any such contract between the management and the contractor for providing labour for emergency work. Another fact to be taken note of is the Management stopped appearing in the case through representative or counsel since 7th of Sept, 2006 and the workman last attended the Tribunal on 21st of Feb, 2007 and thereafter he too has not appeared. It is in this situation the tribunal is answering the reference and it is being answered on the basis of the evidence available on record.

The claim of the workman is that he was appointed as daily wager against a permanent post on 1st of March, 1992 and he worked for the Management till 28th of Feb, 1999 under the control of SDO Telephones, Urmal, Tanda and over all control of General Manager, Telecom, Hoshiarpur. That on 10th of Feb, 1999 the workman made a representation of his regularization in service claiming to have served the Management for more than 240 days without break which annoyed the management and they terminated his services w.e.f. 1st of March, 1999 illegally without passing any written order as by then he had put in seven years of service for the Management without break and had worked in laying the cable work in UMA Exchange, Urmal, Tanda and in digging the trenches for underground cable along with Gurdeep Lal. That the work of the workman was certified by Messrs. Surinder Singh and Inderjit Singh on behalf of the respondents. The workman has further alleged that the Management resorted to unfair labour practice by not issuing appointment order in his favour and for not deciding the representations made by him. He has also claimed that the termination of his service is illegal, unwarranted and bad in law since the Management did not hold any enquiry nor charge sheeted him.

The Management has opposed the claim of the workman saying that he had raised the same claim which was registered as ID No. 54 of 2001 pending before CGIT, Chandigarh; that the workman by submitting fresh claim on the basis of same facts is not worth consideration and the same requires to be dismissed. They have stated nothing about the facts alleged by the workman in his statement as to when he was engaged, how long he worked and the termination of workman by the Management was in an illegal manner. Since the Management in their reply has not denied the facts stated in the statement of claim nor they have placed on record the copy of the counter they claimed to have been filed by them in I.D. No. 54 of 2001, it is to be presumed that they have admitted the claim of the workman. As noted above the Management controverted the facts claimed by the workman in his statement of claim in the affidavit of Sri Dharan Pal, their witness, who was not produced by the Management for the cross-examination of the workman. They cannot claim that they had no occasions to do that as the Management stopped appearing in the case w.e.f. 7th of Nov, 2006. They did not comply with the directions issued to them on 21st of Feb, 2007, directing them to produce the record. Even if we accept that whatever facts Sri Dharan Pal brought on record in his affidavit for the Management be read as reply to the claim of the workman, then also the position cannot be better since the Management has not only failed to produce their witness to prove the affidavit filed by him but also has failed to produce the record or any other evidence to show that no such record was maintained by them; and that they had not engaged the workman, as is claimed by him, or that he had not served the Management for the period he claimed to have served them; and they had an agreement with contractor to provide labour to them for emergency service. In the circumstances the evidence produced by the workman has to be accepted as true as he was cross-examined by the Management.

The perusal of the documents marked 'A' to 'G' show that the workman had served the Management for more than 240 days in each year from 1st of March, 1992 to 28th of Feb, 1999, more specifically twelve months preceding the date of his disengagement on 1st of March, 1999. There has also come no evidence on record to show that before the disengagement of the workman the Management had given him notice or paid wages for the notice period and retrenchment compensation or they followed the provisions of Section 25-F of the Act. Therefore, it is held that the Management had terminated the services of the workman without following the provisions of Section 25-F of Industrial Disputes Act, 1947. The disengagement of the workman is, therefore, held to be bad in law and is hereby quashed. Now the question to be decided is as to what relief the workman is entitled to. There has come no evidence on record to show that the engagement of the workman was in an open competition or by following the procedure

prescribed for appointments. Therefore, in the light of law laid down by the Hon'ble Supreme Court of India, in the case Secretary, State of Karnataka and Ors. Versus Umadevi and Ors. reported as (2006) 4 SCC 1, the workman cannot be reinstated in service, but he is definitely entitled for compensation for his illegal retrenchment. The Management by their illegal act has kept the workman away from service for all these years, putting him and his family in suffering. Considering the facts and circumstances of the case I am of the opinion that the workman is entitled to a compensation of rupees one lakh. The Management is directed to pay this compensation to the workman within three months from the date the award becomes enforceable under law. In case they fail to pay the same, the workman shall also be entitled to interest on the awarded amount along with interest @ 9% P.A. from the said date. Let a copy of this award be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer,

नई दिल्ली, 2 अप्रैल, 2008

कानू० 915.—जौशोगिक विभाद विधिविधान, 1947 (1947 का 14) की खण्ड 17 के अनुसार में, केन्द्रीय सरकार ने एक अधिकारी (पंचायत नियमाला में विलेप) के प्रबलताव के संबद्ध विधिविधान और उनके कार्यकारी के लिए, अनुबंध में निर्दिष्ट जौशोगिक विभाद में केन्द्रीय सरकार जौशोगिक अधिकारण/प्राप्त न्यायालय में प्राप्त नई दिल्ली के पंचायत (संख्या 35/1992) के प्रकारित बनाई है, जो केन्द्रीय सरकार द्वारा 1-4-2008 को आया हुआ था।

[स. एन-12012/327/91-अर्द अंतरी. II]

राजिन्द्र कुमार, देस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 915.—In pursuance of Section 37 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 35/1992) of the Central Government Industrial Tribunal-cum-Labour Court No.2, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of New Bank of India (merged with Punjab National Bank) and their workmen, which was received by the Central Government on 1-4-2008.

[No. L-12012/327/91-IDB-II]

RAJINDER KUMAR, Deski Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - NEW DELHI

PRESIDING OFFICER: R.N. RAJ ID NO. 35/1992

IN THE MATTER OF:

Sh. Prabhat,
C/o. Sh. Kunaram,
R/o. 7/486, Trilok Puri,
New Delhi - 110091.

-Claimant

VERSUS

The Dy. General Manager,
New Bank of India,
2nd Floor, Vikrant Tower,
Rajendra Place, New Delhi.

— Respondents

AWARD

The Ministry of Labour by its letter No.L-12012/327/91-IR(B-II) Central Government Dt. 26-03-1992 has referred the following point for adjudication :

The point runs as hereunder:

"Whether the management of New Bank of India had employed Sh. Prahalad as a sub-staff in their different branches i.e. Extension Counter, Salwan Public School, Cannaught Circus, Holiday Home & Janpath etc. from May, 1985 to July, 1990 and thereafter terminated his services w.e.f. 24-07-1990 and if so, whether the termination of his employment was just and legal? If not, to what relief is the workman entitled to."

The workman applicant has filed claim statement. In the claim statement it is stated that the workman joined New Bank of India as its employees in July, 1984 at its extension counter at Salwan Public School, Rajindra Nagar, New Delhi. The applicant worked for about three months there as a temporary Peon.

That from 3rd May, 1985 to 22nd June, 1989 he worked as Peon at L-Block, Cannaught Circus, New Delhi Branch of the said bank.

That he was asked to join at Bangalore at Holiday Home of the said bank. He reported for duty on 26-06-1989 and remained posted there till August, 1989.

That in August, 1989 itself he was asked to join at Janpath, Cannaught Place, New Delhi Branch of the said bank. He worked at the said Janpath Branch as Peon till August, 1990 when he was illegally removed from the service. He was not given any notice, nor any wages in lieu of notice. He was not paid any retrenchment compensation either from 1984 till date quite a few persons have been recruited in the sub-staff category as Peons in the bank as regular and permanent employees. Thus, he had been denied the right of preferential treatment for regular absorption against permanent vacancies. Denial of this right amounts to violation of provisions of Shastri Award, Desai Award and B.P. Settlements (those are mandatory provisions).

Not only this during his employment he was being underpaid. The principle of equal wages equal work was denied. He was asked to work much beyond the working hours without any payment for the same.

Payment vouchers by which he used to be paid his wages for the periods of employment with the bank are in possession of the bank. However, copies of some of the vouchers were provided to me during the conciliation proceedings. As the vouchers are in the custody of the said employer, the respondent management may please be asked to submit the same along with their written statement.

The management has filed written statement. In the written statement it has been stated that the reference made before this court is bad because it does not reflect the real dispute between the parties. Moreover the court constituted under the Act cannot travel beyond the reference proceeds. Hence the alleged claim filed by the so called workman merits dismissal.

That the alleged workman has not come before this court with clean hands and concocted and made up the story/facts according to his taste and moreover, it is admitted case that the alleged claimant was never given the appointment letter because he was never in the employment of New Bank of India, the plaintiff bank, as alleged. Hence the alleged claim filed by the so called workman merits dismissal.

That the so called workman has never served any demand notice upon the management as required under law within reasonable time or before raising the industrial dispute. Hence the alleged claim filed by the so called claimant merits dismissal with cost.

That the alleged claim filed by the so called workman is untenable since the claim is totally misconceived, baseless and without any footing as no such employee in the name of the claimant was working in the bank during the period as alleged by the so called workman. In the absence of any documentary evidence/appointment letter it cannot even be presumed that he has ever worked in the employment of the bank either on regular or temporary basis. Hence the alleged claim merits dismissal with cost.

That the alleged claim filed by the so called workman is much belated and merits dismissal on this score alone being not maintainable. Hence the same merits dismissal with cost.

It is wrong and denied that alleged claimant has worked from 3rd May, 1985 to 22nd June, 1989 at L-Block, Cannaught Place, New Delhi Branch of the bank.

It is wrong and denied that the so called claimant was ever asked to join at Bangalore at Holiday Home of the bank and he reported for duty from 26-06-1989 to August, 1989.

It is wrong and vehemently denied that the workman was ever employee of the respondent. When he was never in the service of the bank the question of his removal from the service does not arise nor the question of giving any notice, or wages in lieu of notice, or any retrenchment compensation does not arise. When he was never appointed in service then how the removal could be illegal as alleged.

It is wrong and denied that the claimant was ever employed of the respondent. The question that from 1984 till date quite a few persons have been recruited in the sub-staff category as Peons in the bank as regular and permanent employees, does not arise. It is also wrong and denied that

he had been denied the right of preferential treatment for regular absorption against permanent vacancies. When nothing wrong was done as alleged the question of provisions of Basihi Award and Desai Award does not arise. The whole contents of the para under reply are wrong and vehemently denied.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the para of the written statement. The management has also denied most of the para of the claim statement.

Evidence of both the parties has been taken.

Written brief has been filed. Heard parties and perused the written brief:

From perusal of the pleadings of the parties the following issues arise for adjudication:

1. Whether the workman has completed 240 days during the tenure of his employment?
2. Whether the workman is entitled to reinstatement?
3. To what amount of back wages the workman is entitled to?

ISSUE NO. 1

It was submitted from the side of the workman that he joined (New Bank of India) referred to as respondent as its employee in July, 1984 at its extension counter Salwan Public School, Rajender Nagar, New Delhi for 3 months as temporary Peon. He worked as temporary Peon from 3rd May, 1985 to 22nd June, 1989 as Peon at L-Block, Cannought Circle, New Delhi Branch of the Bank.

It was submitted that he joined at Bangalore at Holiday Home of the said Bank. He reported for duty on 26-06-1984 and remained posted there till August, 1989. In August 1989 he was asked to join at Janpath, New Delhi of the said bank. He worked there till August, 1990. Thereafter he was illegally removed from service without any pay or retrenchment compensation.

It was further submitted that from 1984 till date a few persons have been regularized in the sub-staff category as Peon in the bank as regular and permanent employees. He was under paid during his employment and he was denied equal pay for equal work. Payment was made to him through payment vouchers.

The witness has filed photocopy of vouchers on the letter head of the management. He has filed vouchers of the bank also relating to 1983, 1988, 1989 & 1990. These vouchers prove the engagement of the workman with the bank.

Mr. B.K. Banerjee the Personnel Officer has filed affidavit in evidence. In his affidavit he has stated that the workman was not on the pay roll of the branch of the bank. He was merely engaged on contract basis to supply or bring the stationery and other articles as required by the bank from

time to time and he was also doing other manual works like filling water in cooler and he was not paid for such manual work on vouchers. He was not recruited by the bank as per the recruitment rules, so he was not allowed to put his signature in the register.

The workman has examined himself. One Mr. A.K. Chopra, S/o Sh. P.N. Chopra has filed affidavit in his evidence. He is an employee of the bank and he has stated that he visited Bangalore from 26-06-1989 to 4-7-1989 and stayed at Holiday Home at Bangalore. He saw the workman working there.

Another witness Sh. K.L. Ahroy has also filed affidavit. He was a Clerk in that branch. He has admitted the working of this workman in the branch. He has assessed the work performed by the workman as handing over of banks books/papers from one seat to another. He used to do the business of cleaning of counter, table, furniture etc. He has further stated in his affidavit that he did everything that a Peon does. This witness is an employee of the bank. He has not been cross examined.

Another witness Mr. Man Chand has also filed his affidavit. He has stated in his affidavit that the workman worked as Peon at the extension counter and this witness also worked with him. He has also stated that the workman performed all the duties which a peon does. These two witnesses, the employees of the bank have filed affidavit but they have not been cross-examined by the bank.

The workman has filed letters and vouchers on which he has been authorized to receive dues and papers. From perusal of the affidavit filed by the three employees it becomes quite obvious that the workman worked as a temporary Peon in the bank as has been mentioned in the claim statement. He was deputed in Holiday Home at Bangalore. The bank employee who stayed at Holiday Home at Bangalore has also deposed that the workman was working as Peon there. So the averments of the claim statement of the workman that he worked at different counters and branches of the bank and Holiday Home at Bangalore is proved to the hilt by the affidavit of the three employees of the bank. These employees of the bank have not been cross-examined by the management. Their testimony goes unrefuted, so on the basis of affidavit of these three employees who have appeared as MW2, MW3 & MW4 it is proved that the workman was employed as Peon in the different branches of the bank from July, 1984 to August, 1990.

The workman has atleast worked for 240 days in 1985, 1986, 1987, 1988 & 1989. In 1984 he has worked from July to December and in the year 1990 he has worked up to August, 1990. He has worked for 240 days even in the year 1990 so the workman has worked for 240 days every year in the bank in the years referred to above.

It was submitted from the side of the bank that he was not recruited as per the recruitment rules so he was not permitted to put his signature on the attendance register.

It was further submitted from the side of the bank that he worked on contract basis and he was made payments for the period he worked. He was not recruited as per the recruitment rules, so there is no question of reinstatement of this workman.

The workman has worked as Peon for almost 6-7 years. He has worked continuously for 240 days in every year of his employment.

This issue is decided accordingly.

ISSUE NO. 2

It was submitted from the side of the bank that reinstatement is not the only relief in all the cases of illegal termination. Section 11 A of the ID Act, 1947 provides for payment of compensation also.

It was submitted from the side of the workman that compensation is payable in cases where an undertaking become sick or it has been closed or it is in economic loss. It has not been established that the bank is in economic loss and it is a sick Industry.

My attention was drawn by the Lt. Counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh. The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid. This case law squarely covers the instant case.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wagers even if serving for a short period should be reinstated.

It was submitted from the side of the workman that in the instant case Sections 25 F, G of the ID Act are attracted.

In Section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of Section 25 F are not complied. In the instant case no compensation has been paid to the workman.

In case a workman has worked for 240 days in a year and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid Section 25 F of the ID Act is attracted. There is no cessation of his services. He is deemed continued in service in the eye of law. In case there is breach of Section 25 F the service is continued and reinstatement follows as a natural consequence.

ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed un-necessarily so Section 25 F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 show that the respondent management should not be permitted to indulge in any unfair labour practice. The workmen should not be engaged for years and then they should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid.

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularization and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the Government is not precluded from making temporary appointments or engaging workers on daily wages.

The Hon'ble Apex Court has not declared the provisions of ID Act un-constitutional. The Government has got no license to make always appointment of daily wagers and to continue them for life time. Fixed term tenure appointments and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 & 309 are infringed. There is no constitutional mandate that the Government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

No such Article of the Constitution has been pointed out under which the Government or Public Sector units can continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such discrimination will amount to vicious discretion. The Government or Public Sector unit will go on resorting to the method of pick and choose policy and give temporary and adhoc appointments to their favorites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provisions of the ID Act governing the services of the workman have not been declared unconstitutional. Reinstatement is the remedy provided in the ID Act for breach of several provisions

enumerated therein or for breach of service rules provided in various labour welfare legislations.

Section 11 A of the ID Act stipulates that in case the Tribunal is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstance of the case may require. According to this benign provision this Tribunal has the authority to set aside the order of discharge or dismissal and reinstate the workman on the terms and conditions as it thinks fit.

The Hon'ble Apex Court in 2006 (4) Scale has not annulled Section 11 A of the ID Act and the legislature has authorized this Tribunal to set aside dismissal or discharge on its consideration and direct reinstatement. The judgment cited by the management is not applicable in the facts and circumstances of the case.

A three Judges bench of the Hon'ble Apex Court has held in 1993 - II - L.L.J that termination of services affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the workman should be reinstated.

Reinstatement should not be misconceived as regularization. By the order of reinstatement the status quo ante of the workman is restored. He is given back wages in order to compensate him for his illegal disengagement. This is a special remedy provided in ID Act and it has not been annulled and set aside by any judgment of the Hon'ble Apex Court. The provisions of the ID Act are still constitutional and they are to be given effect too.

In case the workman is reinstated with back wages the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that Section 25, G & H of the ID Act are not violated.

The workman has worked as Peon for almost 6 - 7 years. He has worked continuously for 240 days in every year of his employment. He has not been paid retrenchment compensation or pay in lieu of notice. He shall be deemed to be continued in service by fiction of law. The management is still in existence. It has not become a sick unit, so the workman is entitled to reinstatement in view of the law cited above.

This issue is decided accordingly.

ISSUE NO. 3.

It was submitted by the management that payment of full back wages is not the natural consequence of the

order of discharge or dismissal being set aside. It has been held in (2003) 6 SCC 141 that it is incumbent upon the labour court to decide the quantum of back wages.

It has been further held in this case that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved. It has been further held in this case that payment of back wages in its entirety is the statutory sanction. In (2003) 4 SCC 27 the Hon'ble Apex Court held that in view of delay in raising the dispute and initiating the proceedings back wages need not be allowed. In the instant case there is no delay at least on the part of the workman in raising the dispute.

In 1978 Lab IC 1968 - three Judges Bench of the Hon'ble Apex Court held that payment of full back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge or retrenchment, in such circumstance the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In 2005 IV AD SC 39 - three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman has performed more than 240 days work and he has been retrenched without payment of compensation and pay in lieu of notice.

It was submitted from the side of the management that reinstatement is not the only remedy. In such cases the workman may be given compensation. Section 11 A of the ID Act, 1947 provides that in case of dismissal or discharge is found illegal reinstatement should be ordered. It has been held in a catena of cases by the Hon'ble Apex Court that reinstatement with full back wages is the fiduciary rule. The statute provides for reinstatement. In certain exceptional cases where the undertaking has been closed down or it has become sick there may be order for payment of compensation.

The workman is a manual worker. He must be doing some sort of work off and on. He is not employed in any establishment. He must have been doing some sort of work for his survival and his family members. In the facts and circumstances of the case the workman is entitled to get 25% back wages.

This issue is decided accordingly.

The reference is replied thus :

The management of New Bank of India had employed Sh. Prabhalad as a sub-staff in their different branches i.e. Extension Counter, Salwan School, Canaught Circus, Holiday Home & Janpath etc. From May, 1983 to July, 1990 and thereafter terminated his services w.e.f. 24-07-1990. The termination of his employment is neither just nor legal. The

management is directed to reinstate the workman applicant within two months from the date of the publication of the award along with 25% back wages.

The award is given accordingly.

Date : 24-3-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.आ. 916.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक आर्क इंडिया के प्रबंधतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न.-II, नई दिल्ली के घटाट (संदर्भ संख्या 29/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-4-2008 को प्राप्त हुआ था।

[सं. एस-12012/359/91-आई आर(बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 916.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference No. 29/1992) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the annexure in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 1-4-2008.

[No. L-12012/359/91-IR(B-II)]
RAJINDER KUMAR, Desk Officer
ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N. RAI LD.NO.29/1992

IN THE MATTER OF:

Sh. Sansar Singh, Daftari,

WZ - 17, Hari Nagar, Nanakpura,
Clock Tower, N. Delhi - 64,

- Claimant

Versus

The Dy. General Manager,
Central Bank of India, Zonal Office,
Link House, 4, Bahadur Shah Zafar Marg,
New Delhi - 110 002.

- Respondents

AWARD

The Ministry of Labour by its letter No. L-12012/359/91-IR (B-II) Central Government Dt.13-03-1992 has referred the following point for adjudication:

The point runs as hereunder:

"Whether the action of the management of Central Bank of India in dismissing the services of Sh. Sansar Singh,

Daftari w.e.f. 23-02-1990 is justified? If not, to what relief the workman is entitled to?"

The case has been remanded by the Hon'ble Delhi High Court vide order dated 21-11-2006. The award of CGIT - I has been set aside by the Hon'ble Delhi High Court and the Tribunal has been directed to consider the matter afresh.

The case of the workman is that he was initially engaged w.e.f 27-6-1970 and from 12-11-1971 he became a regular member of subordinate staff and was subsequently designated as Daftari in the year 1974.

That in the year 1989 he was served with a charge-sheet on 24-2-1989 and an inquiry was held against him. After proper completion of the inquiry the DA gave a show cause notice for the purposes of punishment.

That the workman was dismissed on 22/23-2-1990 with immediate effect. The workman has not been absent on three occasions. Clause 19.5(f) provides as under:

19.5(f). "habitual doing of any act which amounts to "minor misconduct" as defined below, "habitual" meaning a course of action taken or persisted in notwithstanding that at least on three previous occasions censure or warnings have been administered or an adverse remark has been entered against him."

That the workman has been punished for unauthorized absence by giving censure entry. The bank cannot hold Inquiry unduly until three times censure entry has been given.

That the workman at worst committed minor offence by his unauthorized absence and he can be given only censure entry alone.

The case of the management is that the workman was in the habit of remaining absent un-authorisedly. He absented himself from the job without sanctioned leave for about 686 days prior to December, 1986. He absented for 126 days without sanctioned leave un-authorisedly in the year 1987. Show cause notice was issued to him.

That show cause notice was issued to him vide order dated 26-8-1988 and he still remained absent, so a censure entry was imposed on him vide order dated 16-11-1988 under P-19.8 (a) of the BPS.

That a notice dated 27-8-1988 was issued to the workman for his unauthorized absence from 5-4-1988 to 14-5-1988 and from 19-5-1988 to 11-7-1988.

He did not reply to the show cause notice hence a second penalty of censure was imposed upon him vide order dated 16-11-1988. The workman again remained absent from 18-7-1988 to 3-10-1988

The workman was again given show cause notice vide order dated 16-12-1988 for his unauthorized absence. He did not submit written explanation and the third penalty of censure was imposed on him by order dated 6-2-1989. That after giving thrice punishment of censure the workman

did not improve and charge-sheet was served on him on 24-2-1989 and departmental inquiry was held.

That the workman participated in the departmental inquiry and he was assisted by defence representative. Principles of natural justice were followed during the course of inquiry.

That the Inquiry Officer found the workman guilty of the charges of unauthorized habitual absence and the DA after giving show cause notice and considering his representation passed the order of dismissal with immediate effect.

That the AA confirmed the order of the DA. After giving the 3rd censure entry the management held inquiry under Clause 19.5(i) of the BPS.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record and the written brief of both the sides.

It was submitted from the side of the workman that for three acts of habitual absence only minor penalty can be imposed. The management illegally held departmental inquiry and punishment to him under clause 19.5(i) of the BPS was imposed. He was not absent on the previous three occasions and three times censure entry was not given to him.

It was submitted from the side of the management that the workman was given thrice punishment by way of censure. The first was for the period of his absence for 126 days in the year 1987 and he did not give any reply to the said notice, so the penalty of censure was imposed on him on 16-11-1988. The workman again absented from duty from 5-4-1988 to 14-5-1988 and from 19-5-1988 to 11-7-1988 and a censure entry was given to him on 16-11-1988. It transpires from perusal of the record that two censure entries were given to him on 16-11-1988. The first for his 126 days absence in the year 1987 and the second for his absence from 5-4-1988 to 14-5-1988 and 19-5-1988 to 11-7-1988. The punishment of censure was for the second time imposed on him on 16-11-1988. The workman absented from duty from 18-7-1988 to 3-10-1988 and penalty of censure was imposed upon him vide order dated 6-2-1989.

From perusal of the record it also transpires that the workman did not submit explanation to the show cause notice dated 16-11-1988 for his unauthorized absence, so the 3rd penalty of censure was imposed on him. The workman did not turn up after the 3rd penalty of censure, so the charge-sheet was served on him vide order dated 14-2-1989. The workman remained absent after the sure entry dated 6-2-1989 and so for his absence from 6-2-1989 onwards a charge-sheet was served on him vide order dated 24-2-1989.

It further transpires from perusal of the record that it has been provided under clause 19.5(i) of the BPS as under:

19.5(i). "habitual doing of any act which amounts to "minor misconduct" as defined below, "habitual": meaning a course of action taken or persisted in notwithstanding that at least on three previous occasions, censure or warnings have been administered or an adverse remark has been entered against him."

From perusal of this clause it becomes quite obvious that in case a workman has been given censure or warning at least on three previous occasions, a minor misconduct becomes a grave misconduct and inquiry can be held and it has been provided in clause 9.6 that an employee found guilty of gross misconduct may be dismissed without notice.

The workman in his cross-examination has admitted as under:

"I was asked by Mr. R. S. Seth to give an application for the past period in which I remained absent but I did not give the application and he has not told him the period, I do not know whether I was given three times notice regarding the absence from duty before issuing the charge-sheet for the 4th time for gross misconduct."

From the above admission it becomes quite obvious that the workman was so negligent that he did not remember the period of his absence and he wanted Mr. Seth to tell him the period of his absence. The workman did not give leave application despite the direction of Mr. Sethi. The workman has not denied that he has not been given three times censure entries regarding his absence from duty before the issuing the charge-sheet for the 4th time for gross misconduct.

The workman has also denied in his cross-examination that he was not running a taxi as private business.

The workman has been punished under clause 9.6 of the BPS for gross misconduct. Penalty of censure has been given to him on three occasions and still he did not resume his duties so the management served a charge-sheet. He has been rightly punished for his gross misconduct after three occasions of censure penalty. He was a habitual absentee. He was un-authorisedly absent for 696 days prior to December, 1986 and 126 days in the year 1987 and thereafter he remained un-authorisedly absent till the charge-sheet was served on him. I have perused the inquiry proceedings. The management has not violated the principles of natural justice. The workman has been given sufficient opportunity to cross-examine the witnesses and produce his own defence evidence. The findings of the Inquiry Officer are based on analysis of evidence. The findings are not perverse. The orders of the DA and AA are as per the provisions of the clause 19.6 of the BPS. The workman remained unauthorisedly absent for a long time and he was negligent also in moving leave applications. He remained absent without obtaining leave in advance. It has been held in 2004 (7) SCC 574 by the Hon'ble Supreme

Court that the management was justified in passing the order of dismissal in such circumstances.

The law cited by the workman is not applicable in the facts and circumstances of the case. No interference in the punishment is required in view of the long un-authorized absence.

The reference is replied thus:

The action of the management of Central Bank of India in dismissing the services of Sh. Sansar Singh, Daftri w.e.f. 23-2-1990 is justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date: 24-3-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.आर. 917.—ऑफिशियल विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबोधकार के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औफिशियल विवाद में केन्द्रीय सरकार औफिशियल अधिकारण/अप्प न्यायालय न. II, नई दिल्ली के पंचाट (संदर्भ संख्या 83/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-4-2008 को प्राप्त हुआ था।

[सं. एस-12011/94/2006-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 917.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 83/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial dispute between the management of Bank of Maharashtra, and their workmen, received by the Central Government on 1-4-2008.

[No. L-12011/94/2006-IR (B-II)]
RAJINDER KUMAR, Desk Officer
ANNEXURE

BEFOR THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R. N. RAI I.D. NO. 83/2006

IN THE MATTER OF:

Shri G.L. Khurana,
C/o. General Secretary,
Mahabank Karamchari Sangh,
DDA Flats No. 9-B/BG-5-A,
Paschim Vihar,
New Delhi - 110053.

Versus

The Dy. General Manager,
Bank of Maharashtra, Delhi Region,
6/30-31 WEA Ajmal Khan Road,
Karol Bagh, New Delhi - 110 005.

AWARD

The Ministry of Labour by its letter No. L-11012/94/2006 (IR(B-II) Central Government Dt. 14-1-2006 has referred the following point for adjudication:

The point runs as hereunder:

"Whether the allegation of Mahabank Karamchari Sangh, DDA Flat No. 9-B/BG-5/A, Paschim Vihar, New Delhi-63 against the Regional Manager, Bank of Maharashtra, Delhi Region, 6/30-31, WEA, Karol Bagh, New Delhi - 110 005 for breach of settlement in Pension Regulation 1993 to payment of pension to Shri G.L. Khurana is just, valid and legal? Whether the pension of the workman has been calculated by the management in accordance with the definition given under Rule 2 and Rule 20 of the Bank of Maharashtra Employees' (Pension) Regulations, 1993? If not, what relief is the disputant concerned entitled to and what directions are necessary in the matter."

The workman applicant has filed claim statement. In the claim statement it has been stated that the provisions of the Rate of Pension as defined in Chapter IV of Bank of Maharashtra (Personnel Department) letter No. AX 1/ST/OSR/24/94 dated 6-4-1994 and Bank of Maharashtra Employee (Pension) Regulation, 1993.

It has been further stated that the basic pension will be fifty per cent of the average emolument i.e. average of pay drawn by an employee during the last 10 months of his services as per Regulation 20 (iv). The period of 10 months for this purpose should be reckoned backwards from the date of retirement as defined in sub-regulation (k) regulation 2.

That the Bank of Maharashtra, Accounts and Audit Deptt. Central Office, Pune (Staff, Pension Cell) has made out work sheet showing last 10 months pay details of Mr. G.L. Khurana from January, 2001 to April, 2000 backwards at the left hand side of the worksheet but the average of emolument drawn is not calculated and not considered for authorizing his actual pension which is as under:

The total of last 10 months pay drawn - Rs. 107910

The average one month pay Rs. 10791

26 years of qualifying service in the bank.

Basic pension comes to $10791 \times 0.5 \times 26/33$ - Rs. 4251

Commutation 33% of basic pension - Rs. 1437

Age: 61 Factor: 9.81, Commutation amount

$1437 \times 12 \times 9.81$

Rs. 169163.64

Reduce Basic Pension after commutation

Rs. 4251 - 1437 = Rs. 2814

This is the actual pension as per Bank of Maharashtra Employee (Pension Regulation 1993) Clause 20(i) sub regulation (k) of Regulation 2, which should have been paid to Mr. G.L. Khurana at the time of his retirement i.e. w.e.f. 1st February, 2001 but the same was not paid to him.

Bank of Maharashtra, Accounts and Audit Department, Central Office, Pune (Staff Pension Cell) have also calculated on the right hand side on the same worksheet, 10 months old pay drawn from January, 2000 to April, 1999 as under:

The total of 10 months old pay drawn	-Rs. 93,964.44
The average of one month old pay drawn	-Rs. 9,394.64
For 26 years qualifying service, basic pension	-Rs.3,701.00
Commutation 33% of basic pension	-Rs.1,233.00
Commutation Amount	-Rs.1,45,149.00
Reduce pension after commutation	
Rs. 3701 - Rs. 1233	-Rs. 2,468.00

Thus, Mr. G.L. Khurana is paid commutation amounts Rs. 1,45,149.00 as per old rate of Pay Scale causing difference (Rs. 1,69,163.64 - Rs.1,45,149.00) = Rs. 24,014.64 and also paid pension Rs. 3701.00 PM causing difference in pension (Rs. 4251 - Rs.3701) = Rs. 550 pm. This difference amount in commutation and in monthly pension has been claimed vide our letter No. GLK/ 104/2005 dated 18-10-2005 but bank has not taken cognizance of the workman's genuine claim and no reply has been received till today.

We do not understand under which clause of Pension Regulation his old basic pay have been taken into consideration for authorizing his pension and commutation when PF have been deducted on salary drawn till last month of his retirement and bank's contribution of PF have been credited to pension fund. This is really a great harassment to a pensioner.

The bank has now issued a letter No. AXI/AIPM/BEP Revised Order No. 288 dated 20-10-2005 regarding bank employee pension payment scheme. Payment of pension amounts on revision of pay/pension scale to Mr. Khurana Gulshan Lal, PPO No. BOM/2001/6867. We would like to mention that it is not a revision of pay/pension scale. It is well known to them, pay/pension scale of a retired person cannot be revised. This is the actual last ten months pay drawn and reckoned backwards from the date of his retirement as defined in sub-regulation (k) of Regulation 2. This basic pension Rs. 4251 calculated as per 7th BPS on the right hand side of the worksheet attached to their letter quoted above is the actual/correct rate of basic pension and this should have been paid to Mr. G.L. Khurana from the date of his retirement i.e. w.e.f. 1st February, 2001 with prevailing rate of DA.

Since it is not a revision of pay/pension scale, therefore, DA rate cannot be changed. DA rate can only be minimized when major portion of DA is merged with basic pay /pension on revision of pay/pension scale.

The management has filed reply. In the reply it has been stated that Sh. G.L. Khurana, Ex. Special Assistant, working at Service Branch, Delhi retired from the services of the bank on attaining the age of superannuation on 31-1-2001. Shri Khurana was paid the amount of commutation of pension payable to him on 12-6-2001.

Sh. Khurana was entitled for pension under Bank of Maharashtra (Employees) Pension Regulations, 1995.

The Bank of Maharashtra (Employees) Pension Regulations, 1995 is an outcome of BPS with the various unions of Bank Employees and Indian Bank's Association. The said Bank of Maharashtra (Employees) Pension Regulations, 1995 is subject to amendment in view of the Industry level settlements between Indian Bank's Association.

The said Bank of Maharashtra (Employees) Pension Regulation, 1995 is subject to amendment in view of the Industry level settlements between Indian Bank's Association and various Unions. The disputed union i.e. Mahabank Karmchari Sangh is also a party to the said Industry level agreement.

Shri G.L. Khurana was entitled for pensionary benefits on the basis of 7th Industry Level BPS arrived at between Indian Bank's Association and Union on 27-03-2000. The bank has commenced pension to Shri G.L. Khurana on the basis of the said 7th BPS.

That as per the provisions of the said 7th BPS - Pension, in relation to the employee who retire or dies while in service on or after 1st day of April 1995, "Pay" for the purpose of pension shall be aggregate of the "Pay" drawn by the member of the award staff in terms of 6th BPS dated 14-02-1995 and DA thereon calculated of which index will be 1616 in the All India Average Consumer Price Index.

This shall be subject to necessary amendments to be made to the relevant provisions of the Bank Employees Pension Regulation, 1995.

Hence the contentions of Shri Khurana that his Basic Pay as per 7th BPS has to be reckoned for calculating the last 10 month's pay drawn is wrong and incorrect.

The pension regulation was amended based on the BPS and accordingly was published in the Gazette on 14th June, 2003.

Further as per the 8th BPS dated 2-4-2005 the definition of "Pay" was amended and the benefit of the said amended/revised pension is already given to the applicant Sh. G.L. Khurana.

That as per the said 8th BPS/Joint Note dated 2-6-2005, it is provided for pension at 50% of the last drawn pay in respect of employees who have retired/died on or after 1-5-2005 which is beneficial improvement in the pension scheme in comparison with definition of Pay of the 7th BPS. In view of the amendment of definition of "Pay" the effect of liberalisation in a pension scheme from a prospective date is extended to all the members of pension fund from a prospective date and accordingly pension at 50% of the last drawn pay is paid to the range of the period 1-4-1998 to 30-4-2005 w.e.f. 01-05-2005. The said benefit is also extended to Shri G.L. Khurana from 01-05-2005 and arrear on account of same amounting to Rs. 2880/- were paid to him from 1-5-2005 till the date of revision of pension payment orders i.e. 20-10-2005. Hence the demand of Shri G.L. Khurana is already satisfied by the bank.

Thus, according to the contention of the respondent bank and in view of the foregoing the present dispute raised by the applicant is liable to be dismissed with costs.

The answering respondent reserves the right to file a detailed reply and also reserves its right to add to the contents thereof, if necessary at a later stage.

Therefore, in the light of the aforesaid it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to dismiss the instant dispute with costs and or pass such other further orders as it deems fit in the interest of justice, equity and good conscience.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied the averments of the written statement. The management has also denied the averments of the claim statement.

Evidence of both the parties has been taken.

Heard both the parties and perused the papers on the record. It was submitted from the side of the workman that his basic pension has not been calculated according to the 7th BPS but it has been calculated as per the 6th BPS. As per the 7th BPS the total of last 10 months pay drawn is to be calculated and the basic pension should be fixed at Rs. 10,791.

It was further submitted that the actual pension as per the pension regulation 1993 is to be calculated under clause 20 (J) sub-regulation (k) of Regulation No. 2 and it should have been paid to him at the time of retirement w.e.f. 1-2-2001.

It was further submitted that the management has taken the average of 10 months pay drawn for the previous period. The PF has been deducted on salary drawn till last month of retirement of the workman and banks contribution of PF have been credited to the pension fund. The bank has revised pension and has paid proper pension vide revised order No. 288 dated 20-10-2005. The arrears of pension have also been paid w.e.f. 20-10-2005.

That the workman is entitled to get his pension calculated as per 7th BPS and he is entitled to the difference from 1-2-2001 to 19-10-2005.

It was submitted from the side of the bank that the pension of the employees of the Bank of Maharashtra is governed by pension regulation 1993 which is an outcome of 7th BPS. The workman was entitled for pensionary benefits on the basis of 7th BPS arrived at between the India's Bank's Association and Union on 27-3-2000. The bank has commenced pension to Sh. G.L. Khurana on the basis of 7th BPS and he has been paid revised pension from 20-10-2005 on the basis of 8th BPS.

It was submitted that as per provisions of the said 7th BPS, pension in relation to the employees who retires or dies while in service on or after 1st day of April, 1998, pay for the purpose of pension shall be aggregate of the

pay drawn by the member of the award staff in terms of 6th BPS dated 14-2-1995. As such the basic pension of Sh. Khurana was to be calculated in view of the 6th BPS and it has been mentioned in the 7th BPS that pay for the purpose of pension shall be in terms of 6th BPS dated 14-02-1995.

It was further submitted from the side of the management that the settlement dated 29-10-1993 was amended by the 7th BPS and the definition of pay in the 7th BPS was the same as was in the 6th BPS.

From perusal of the records it transpires that the 7th BPS took place on 27-3-2000 and 8th BPS on 2-6-2005. The workman has been made payment of his revised pension in view of the 8th BPS dated 2-6-2005 from May, 2005.

It also transpires from perusal of the record that the settlement dated 29-10-1993 was a draft settlement and it was amended by the 7th BPS and in the 7th BPS the definition of the pay of the 6th BPS has been retained. It also transpires from perusal of Clause 16 of the 7th BPS that the pay for the purpose of pension shall be the aggregate pay drawn by the member in the terms of the 6th BPS dated 14-2-1995. The workman has admitted in his cross-examination that he came to know about pension regulation, 1995 in the year 2001 at the time of superannuation and at the time of getting first pension. The workman wants to get his pension calculated in view of the pension regulation of 1993 but it was replaced by regulation 1995 and the workman admits the existence of the pension regulation of 1995.

The management has rightly calculated the pension of the workman in view of employees pension regulation, 1995. The regulation of 1993 on which the workman claims his pension to be calculated has been amended and modified and replaced by the pension regulation 1995. The pension of the workman has rightly been calculated in view of the amended regulation, 1995. He is not entitled to get pension in view of the draft settlement of 1993. The demand of the workman is not correct.

The reference is replied thus:-

The allegation of Mahabank Karanchari Sangh, DDA Flat No. 9B/B-G/5/A, Paschim Vihar, New Delhi - 63 against the Regional Manager, Bank of Maharashtra, Delhi Region, 6/30-31, WEA, Karol Bagh, New Delhi - 110 005 for breach of settlement in pension Regulation 1993 to payment of pension to Shri G.L. Khurana is neither just nor valid nor legal. The pension of the workman has not been calculated by the management in accordance with the definition given under Rule 2 and Rule 20 of the Bank of Maharashtra Employees' (Pension) Regulations, 1993. The pension of the workman has been rightly calculated under regulation of 1995. The workman is not entitled to any arrears of pension.

The award is given accordingly.

Dated 25-3-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

कानू. 918.—ऑटोग्राफिक विवाद अधिकारियम्, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार एवरपोर्ट ऑफिसियल ऑफ इंडिया, मालपुराम के प्रबंधनतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑटोग्राफिक विवाद में केन्द्रीय सरकार ऑफिसियल ऑफिसियल, इंडियापुराम को पंचायत (मालपुराम संघम अधीकृती 35-36/2006) को प्रकल्पित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[सं. एल-11012/1/2005-आई आर (एम),
सं. एल-11012/4/2005-आई आर (एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 918.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 55 & 56 o/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure to Industrial Dispute between the employers in relation to the management of Air Port Authority of India, Malappuram and their workmen, which was received by the Central Government on 2-4-2008.

[No. L-11012/1/2005-IR (M),
No. L-11012/4/2005-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, ERNAKULAM
Present: Sri P.L. Norbert, B.A., LL.B., Presiding Officer
(Wednesday the 21st day of November 2007/30th Karthika 1929)

L.D. 55 & 56 OF 2006

(L.D. 55 & 56/2006 (L.D. 2/2005 of Labour Court, Kozhikode))

Workmen: Sri. P.K. Seju, S/o Krishnan,
Palliyalil House, Mukkannaparamba,
Malappuram, Kerala.

By Adv. Sri K.S. Mohammed Hashim,

Management: The Director,
Air port Authority of India, Calicut Airport,
Karippur, Malappuram.
By Adv. Sri Harris P.M.

L.D. 56 of 2006 (L.D. 3/2005 of Labour Court, Kozhikode)

Workmen: Smt. K. Reena, D/o. Chathukutty,
Cheruparambil House, Kuzhimanna Post,
Kondody, Malappuram.

By Adv. Sri K.S. Mohammed Hashim

Management: The Director
Air Port Authority of India, Calicut
Airport, Karippur, Malappuram.

By Adv. Sri Harris P.M.

This case coming up for hearing on 16-11-2007, this Tribunal-cum-Labour Court on 21-11-2007 passed the following:

AWARD

These are reference under Section 10 (1) (d) of Industrial Disputes Act. Termination of service is challenged and claim for regularization is raised as per the references. Since facts, evidence and issues are common, these references are tried jointly and evidence is adduced in I.D. 55/06 as per order in I.A. 49/07.

2. The facts of the case in brief are as follows:— Claimant Shri. P. K. Seju and Ms. K. Reena contend that they were appointed as Carpenter and Stenographer respectively by Air Port Authority of India Calicut Air Port since 1996. The appointment was made, for the sake of records, through a Labour contractor. Though contractors changed from time to time, the claimants continued. Claimants had worked even during periods when there were no contracts. The claimants were performing the same duties as were done by regular employees. However no benefits were given to them. Instructions regarding work were imparted by the officials of the management. The so-called contractors never supervised the work. During each year they had worked more than 300 days.

3. According to the management the claimants were never engaged by management. There is no employer-employee relationship between the two. They were engaged by the contractor 'A. N. K. George'. The contractor is a necessary party to the dispute. On the basis of an interim order of High court in O.P. they continued in employment. However long the claimants work, no right for regularization accrue to them as they are contract workers. Payment was never made by management directly, except when instructed by the contractor and out of money due to the contractor. No discrimination was shown by the management to the claimants. The claimants are not entitled for any relief as they were never employed by the management, but by the contractor.

4. In the light of the above pleadings the following points arise for consideration:—

1. Are the claimants employees of the management?
2. Whether the termination of service of claimants is legal?
3. Are the claimants entitled for reinstatement and regularization?

The evidence consists of the oral testimony of W.W.1 and documentary evidence of Exts. W1 to W9 on the side of the claimants and M.W.1 and Exts. M1 to M3 on the side of management.

5. Points Nos. 1 and 3:—It is an admitted fact, that the two claimants were engaged initially through a labour contractor. According to the claimants though contractors changed, workers continued. However their case is that the contractor was only a smokescreen between Airport Authority and workers. Admittedly no appointment orders or termination orders were issued to the claimants by the management. According to the claimants they were supervised and controlled by the officials of the management and not by the contractor. However evidence is lacking regarding supervision and control. It is for the workers to prove the same. Though MW1 attempted to say that claimant Ms. K. Reena has not worked for the Air port, Ext. W2 Entry Pass will prove otherwise. However the question is whether she too was employed through contractor or directly by the management. As in the case of Mr. P. K. Saju it is an admitted case of Ms. Reena that she too was engaged initially through contractor. However there is no force in the contention of the management that she was attending to the stenography work of contractor inside the premises of Air port. No such evidence is let in by the management. Ext. W4 is the attendance register of workers of May 2000. According to MW1 this was maintained by the contractor and is produced by the claimants. Ext. M1 is the Register of Wages. According to MW1 this is maintained by the contractor. The name of contractor 'A.N.K. George' is shown in the Register as the Establishment. According to the management the Register of Wages is provided by the contractor to the management for the purpose of remitting P.F. amounts of workers (a statutory liability) out of the money due to the contractor. There is no contra evidence. The claimants were not able to show that wages were paid by the management. Ext. W6 judgment in O.P. 22993/2000 was produced to prove that management was paying wages. But O.P. was filed for a direction to Air Port Authority and two contractors to disburse the salary due to the workers including Mr. P.K. Saju and Ms. Reena. The Hon'ble High Court directed respondents 2 to 4 in O.P. to disburse salary within 15 days. The very fact that contractors were made parties in O.P. by the claimants and other workers itself proves that the labourers were working under contractors. Ext. W7 is a lawyer notice sent on behalf of claimants to the management stating that the company was not complying with the direction of Hon'ble High Court in O.P. 12135/2000. There was a direction in O.P. directing the management not to terminate the service of claimants for eight months and the Government to refer the dispute to Industrial Tribunal for adjudication. In the notice it is alleged that still the management had denied employment to the claimants. In the reply notice Ext. W8 the management stated that the claimants were already in service. But it does not mean that they are in the direct service of Air Port Authority. The direction in O.P. was to continue the services of claimants in Air Port, but nothing was stated about their status. On the other hand the dispute with regard to regularization

was left to be decided in a labour forum on a reference. Ext. W1 to W3 are only permits to enter the premises of Air Port for the purpose of work. They too will not show that the claimants are employees of Air Port. Neither continuous work nor permanent vacancy will not confer any right on contract workers nor will they alter the character of their appointment. In order to prove that the contract was a camouflage, the claimants have to establish that, though they were initially employed through contractor, they were controlled and supervised by officials of management, wages were paid by management, other service benefits were given by management, their leaves were regulated by management, the disciplinary authority was the management etc. None of the documents produced by the claimants will help them to prove the same. There is nothing on record to show that there is employer-employee relationship between Air Port Authority and Claimants. On the contrary the claimants' own admission that they were taken initially for work in Air Port through contractor, cuts at the very root of their case. The claimants continued to work on the basis of the order in O.P. 12135/2000 till 2006. In the light of the above circumstances I find that the claimants are contract workers and not employees of management.

6. Point No. 2:—Since the claimants are contract labourers, the moment the period of contract comes to an end the work of labourers too comes to an end. It may be true that the claimants must have been working continuously for 240 days and more in a year and they might have been working in permanent vacancies of carpenter and typist. But being contractual workers they don't acquire any right for employment or absorption. It is so held in Secretary State of Karnataka and others Vs. Uma Devi, (2006) 4 SCC 1. But it is pointed out by the learned counsel for the claimants that U.P. State Electricity Board Vs. Pooran Chandra Pandey 2007 (4) KLT 513 (SC) a different note is struck by the Hon'ble Supreme court. It is true that in the decision it is observed that Uma Devi's case cannot be applied to a case where regularization is sought in pursuance of Article 14 of the Constitution. The Supreme Court has said that a decision shall not be mechanically followed without seeing whether it applied to the facts of a particular case. In U.P. Electricity Board case, the facts are that electric supply was carried out by a Co-operative Electric supply Society. The society was later taken over by Electricity Board. The Board had then taken a decision that daily wage employees of the society who are being taken over by the Board will start working in Electricity Board in the same manner and position. On 28-11-1996 the Board decided to regularise the services of its employees working on daily wage basis. The employees of the society claimed regularization on the footing that they too are daily wage earners and on take over by the Board they are entitled to the same status and benefits as those of daily wage earners of the Electricity Board. Hon'ble

Supreme Court held that there is no ground for discriminating one set of employees who are daily wagers (class of society). Since the claim is made on the basis of infringement of Article 14 of the Constitution, the Hon'ble Supreme Court held that in the facts and circumstances of that case, Uma Devi's case had no application. So far as the disputed case is concerned the claimants were contract workers and there is no case for the claimants that they are discriminated in the matter of regularisation. But they claim regularisation because they say that they are infact employee of management. Hence the decision in U.P. State Electricity Board has no application.

7. Since the claimants are contract workers the Air Port Authority has no obligation to provide continued employment. It is for the contractor to decide. There is no question of terminating the service of claimants by the management as they have not appointed. It follows therefore that the claimants are not entitled to the benefits of Section-25 F of Industrial Disputes Act. On the expiry of the period of contract the service of claimants came to an end automatically. No illegality is committed by management in the matter of employment. Hence I hold that engagement and dis-engagement of claimants is the concern of the contractor and not of the management. The management is no way responsible or liable for non-employment.

In the result an award is passed finding that the action of the management, in not allowing claimants Shri P.K. Saju and Ms. K. Reena to continue in service and in not regularising them in service, is legal and justified and the claimants are not entitled for any relief. No cost.

Typed' corrected and passed by me on this the 21st day of November, 2007.

P. L. NORBERT, Presiding Officer

Appendix

Witness for the workmen

WW1 - 14-08-2007 Sri P. K. Saju.

Witness for the Management

MW1 - 08-10-2007 Sri P. S. Devakumar.

Exhibits for the workmen

- W1 - Photostat copy Daily permit card issued to Sri Saju, P. K.
- W2 - Photostat copy of Daily Permit Card issued to Smt. Reena, K.
- W3 - Photostat copy of Appointment requisition form.
- W4 - Photostat copy of attendance register sheet of the management for the month of May 2000.

- W5 - Photostat copy of letter dated 20-5-1998 sent by the management to the Labour Officer, Malappuram.
- W6 - Photostat copy of judgment dated 21-08-2000 in O.P. 2939/2000 of the Hon'ble High Court of Kerala.
- W7 - Photostat copy of lawyer notice dated 5-07-2000 issued on behalf of workman to the management.
- W8 - Photostat copy of reply dated 12-07-2000 sent by the management to the counsel for workman.
- W9 - Photostat copy of office Note dated 26-09-2000 sent by the Senior Manager of Calicut Airport to the management.

Exhibits for the management

- M1 - Photostat copy of Register of wages for the period from 1-12-1999 to 31-12-1999.
- M2 - Photostat copy of judgment dated 05-11-2004 in WA 1919/2004 of the Hon'ble High Court of Kerala.
- M3 - Photostat copy of judgment of the Hon'ble Allahabad High Court.

नई दिल्ली, 2 अप्रैल, 2008

बाह.आ. 919.—ऑपरेटिंग नियम अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसार में, केन्द्रीय सरकार ऑपरेटिंग नियम अधिनियम लिपिटेक के प्रबंधनित के संबद्ध नियमोंकी ओर उनके कर्मचारों के बीच, अनुसार में नियिट ऑपरेटिंग नियम में केन्द्रीय सरकार ऑपरेटिंग अधिकारण, भ्रग नियमोंके कोलकाता के पंचायत (मंडप संघ 09/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-04-2008 को प्रकाश हुआ था।

[फ. एस-30011/88/2000-बाह. आर. एस.]

एस. एस. बोरा, डेस्क ऑफिसर

New Delhi, the 2nd April, 2008

S.O. 919.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 09/2003) of Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Indian Oil Corporation Ltd. and their workmen, which was received by the Central Government on 2-4-2008.

[No. I-30011/88/2000-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT KOLKATA****Reference No. 09 of 2003****Parties:** Employers in relation to the management of Indian Oil Corporation Ltd.**AND****Their workmen****PRESENT:** Mr. Justice C. P. Mishra, Presiding Officer**Appearance:-**

On behalf of the : Mr. N.K. Mehta, Advocate

Management : Mr. S. Sengupta, Advocate.

On Behalf of the : None
Workmen

State : West Bengal Industry : Petroleum.

Dated : 12th March, 2008

AWARD

By Order No. L-30011/88/2000-IR(M) dated 31-01-2003 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947(hereinafter to be referred to as the Act) referred the following dispute to this Tribunal for adjudication:

"Whether the industrial dispute raised by India Oil Corporation Ltd. Employees Organisation Haldia Refinery against the management of Indian Oil Corporation Ltd.(Haldia Refinery, District Midnapore) vide letter dated 24th August 2000 (copy enclosed) justified? If so, to what relief the concerned workmen are entitled to?"

2. When the case is called out today, none appears for the workmen nor any step is taken on their behalf to proceed with the matter. Management is represented by its learned Advocate who has stated that none is appearing on behalf of the workmen since long and no useful purpose will be served by keeping the matter pending further. He has accordingly prayed for disposal of the matter by passing a "No Dispute" Award. It appears from the record that none is appearing on behalf of the workmen since 26-03-2006, nor any step is taken on their behalf to proceed with the present reference. It is accordingly clear that the workmen are no longer interested in the present dispute under reference and the management is also in favour of disposal of the reference by passing a "No Dispute" Award.

3. In the circumstances, this Tribunal has no other alternative but to dispose of the present reference by passing a "No Dispute" Award. A "No Dispute" Award is accordingly passed and the reference is disposed of.

C. P. MISHRA, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

S.O. 920.—आंदोलिक विकास अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार बाउला क्रोमेहिट माइन ऑफ एक ऐसी ओ आर के प्रबंधनत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विकास में केंद्रीय सरकार आंदोलिक अधिकारण, श्रम न्यायिक सुनवाने कर के पंचायत (संदर्भ संख्या आई.टी. केस सं. 13/2001) को प्रकाशित करती है, जो केंद्रीय सरकार को 2-04-2008 को प्राप्त हुआ था।

[सं. एल-29012/97/1995-आई.टी.एम.]

एस. एस. बोरा, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 920.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I. D. Case No. 13/2001) of Central Government Industrial Tribunal/Labour Court Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Baula Chromite Mine of FACOR and their workman, which was received by the Central Government on 2-4-2008.

[No. L-29012/97/1995-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
BHUBANESWAR****PRESENT:**

Shri N. K. R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 13/2001

Date of Passing Award (Lok Adalat)- 3rd February, 2008

BETWEEN:

The Management of the Executive (Mines),
Ms. FACOR, Laxmi Bhawan, Kuana,
P.O. & Dist. Bhadrak-756 100.
....1st Party- Management

And

Their Workman, Shri Surendra Singh
represented through the General Secretary,
Chrome Zone Employees Union,
At./Po. Soso, Dist. Dhanurjayapur-756 115
....2nd Party-Union.

APPEARANCES:

Shri S.K. Routray, Asst. Manager (Legal)	For the 1st Party- Management
Shri B.S. Pati General Secretary.	For the 2nd Party- Union

AWARD

The following dispute is the outcome of a reference made by the Central Government in their letter No. L-29012/97-IR(Misc.), dated 13-2-96.

"Whether the action of the Management of Boula Charonite Mine of FACOR in dismissing Sri Subendra Singh, R.V. Driver justified? If not, to what relief Sri Subendra Singh is entitled?"

2. Today both the parties appeared before the Lok Adalat and by referring to an earlier settlement dated 20-12-2007 between the parties they submitted for an award on compromise. On perusal of the joint petition of compromise (settlement dated 20-12-2007) which forms part of the judgment, it appears that the workman has already received Rs. 45,000 in full and final settlement of all his claims with an undertaking that he would not raise any sort of dispute against the Management pertaining to his service and shall have no lien over his service in future. In view of the above the reference is answered as per the above terms of compromise as reached between the Parties.

3. Reference is answered accordingly.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

S.O. 921.—आंतरिक विवाद अधिनियम, 1947 (1947 वा 14) की अंतर्याम में, केन्द्रीय सरकार आयल शोर्ट्स पिलिंग के उपचारी के संबंध में विवाद और उपके कानूनार्थ के बाय, संघर्ष में निरिक्षित आंतरिक विवाद में केन्द्रीय सरकार आयल शोर्ट्स पिलिंग के पंचाय (संदर्भ संख्या 1/2005) के विवाद जारी है, जो केन्द्रीय सरकार को 02-04-2008 को प्रस्तुत की गई।

[Ref. letter-30012/1/2005-आंक आर.एम.]

एस. एस. बोरा, डेस्क अधिकारी

New Delhi, the 2nd April, 2008.

S.O. 921.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2005) of Central Government Industrial Tribunal/Labour Court, Guwahati now known as known in the Annexure in the Industrial Dispute between the employees in relation to the management of Oil India Ltd. and their workman, which was received by the Central Government on 2-4-2008.

[No. L-30012/1/2005-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE**BEFORE THE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
GUWAHATI****Present:**

Sri H. A. Hazarika,
Presiding Officer,
CGIT-cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:

The Management of Oil India Ltd., Narsangi, Guwahati.

Vs.

Their Workman, Sri Sekhar Rudra.

ADVOCATES

Mr. S. N. Sarma : Senior Advocate, for the Management.

Mr. N. Sarma : Advocate, for the Workman.

Mr. A. Dasgupta : Advocate, for the Workman.

Mr. S. Chakrabarty : Advocate, for the Workman.

Ref. No. 01 of 2005

Date of Award : 18-3-08

AWARD

1. The Government of India, Ministry of Labour, New Delhi vide its Notification No. I-30012/1/2005-IR(M) dated 27/04/2005 referred this Industrial Dispute arose between the management of Oil India Limited, Narsangi and their Workman Sri Sekhar Rudra, in exercise of power conferred by Clause-(d) of Sub-Section (1) and Sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) for adjudication on the basis of the following Schedule:

SCHEDULE

"Whether the action of the management of Oil India Ltd., Pipeline HQ, Guwahati in dismissing the service of Sri Sekhar Rudra w.e.f. 22/7/2003 fair justified? If not, what relief Sri Rudra is entitled to and from when?"

2. This Award is arising out of the preliminary issue framed on 12.6.06. The issue framed is as given herein after.

"Whether the domestic enquiry conducted by the Management is fair or not?"

3. The preliminary issue was framed on listing of learned Advocates of both sides. The Management submitted a petition on 16.3.06. The brief contention of the petition is that the management conducted domestic enquiry which was free, fair and based on Principle of Natural Justice and the opportunities were given to the workman. It was also prayed that the preliminary enquiry may be framed and decided at first and if the preliminary issue is decided against the management the management may be allowed to contest the Reference on merit. The point of preliminary enquiry was raised by the Management in their W.S. also. The workman side agitated that against the preliminary issue by filing a written position on 6.4.06 that for the right of framing the preliminary issue the Management has not exercised the same in time and matter is already fixed for evidence. Hence, the prayer for framing preliminary issue may be rejected. In my order dated 12.6.06 it has been reflected that at this stage evidence was not started and as regards preliminary issue it was raised in the prayer portion of the W.S. filed by the Management.

4. The brief contention of the Management that the domestic enquiry was held against the workman Sri Sekhar Rudra on the following charge.... that a transfer order was issued to the workman vide letter No. PLIR/16-2/661 dated 17-7-98. According to the transfer order the workman was transferred to Dumar and released on 23-7-98 but the transfer order was not complied and disobeyed wilfully. For non-compliance of transfer order and subsequent to the same some written as well as oral intimations were given to the workman. Further the workman remained absent from his duties unauthorisedly and without permission or leave from the Superintending Engineer. That non-compliance of the orders it was treated as gross misconduct u/s 21.1.1, 21.1.5, 21.1.7 and 21.1.9 of the Standing Orders.

5. At this stage of preliminary enquiry the Management examined Sri Rajib Goswami, Chief Engineer, Oil India Ltd. (Pipe Line) and he is cross examined by the learned Advocate of the workman Mr. A. Dasgupta. The workman Sri Sekhar Rudra examined himself as witness and he is also cross-examined by learned Senior Advocate Sri S. N. Sarma for the Management. Sri Rajib Goswami deposed that he made the domestic enquiry against the workman Sri Sekhar Rudra. He started domestic enquiry on 14-11-02. At the prayer of the workman the enquiry was adjourned on 14-11-02 and on 4-12-02 in presence of the workman the Enquiry Officer explained the procedure of the enquiry. The workman was allowed to take help of his co-worker and he availed the same. He was also told to examine defence witness and to cross examine the Management witness. The allegation against the workman was that he defied to follow the transfer order issued to the workman. Moreover, the workman was also charged for remaining absent from duty from July, 1998 to May, 1999. The workman was furnished with all the documents appertaining to the enquiry. Ext. 2 is the transfer order, Ext. 3 advice and release order, Ext. 4 a letter issued to the workman to join at the place of his transfer. Vide Ext. 5 the workman was intimated the date, time and venue of the enquiry. The workman took the help of his co-worker Mr. P. K. Medhi for his defence. The management examined various documents. Sri S. N. Misbra was the Management representative who exhibited the documents. The workman did not examine any witness in his defence. The Enquiry Officer recorded the statement of the workman. Ext. 7 is the Enquiry Proceeding, Ext. 7(1) is the signature of the Enquiry Officer, Ext. 7(2) is the signature of the Management representative and Ext. 7(3) is the signature of the workman, Sekhar Rudra. Ext. 8 is the report of the E.O. and Ext. 8(1) is signature of the E.O. In cross examination Sri Rajib Goswami, E.O. replied that during the course of enquiry no witness was examined by the Management. Managing representative was the Presenting Officer who exhibited the documents. In the enquiry proceeding it is reflected "Quarries put by you can not be in the form of cross examination but only to seek clarification on the documents

submitted by the Management Representative as Exhibits". The workman wanted to cross examine the Management Representative. E.O provided opportunities for seeking clarification on exhibited document but not allowed the workman for cross examination. The Enquiry Officer relied only on the exhibited documents at the time of consideration of his report. Once the workman forgo the promotion. He denied that he has not considered the documents submitted by the workman.

6. The workman in support of his case against the departmental proceeding deposed that he was transferred to PS-9 Dumar in Bihar and he was released from Guwahati on 21-7-98 to join at Dumar but at that time only one sanctioned post of Supervising Assistant Grade-IX was holding by Sri Padmeswar Kalita. After issuance of the charge sheet, Padmeswar Kalita was transferred to Guwahati and one Ratul Saikia was transferred to PS 9, Dumar. Thus he was not in a position either to join at Dumar or Guwahati unless a fresh order of his posting was issued. A copy of enquiry report was furnished to him against which he preferred a representation on 23.6.2003 but the Disciplinary Authority failed to consider his contention reflected in his representation dated 23.6.2003 and passed the dismissal order on 21-7-3. Against the dismissal order he preferred appeal before the Appellate Authority against the order of dismissal under Section 23.1 of the certified Standing Orders of Oil India Ltd. The Appellate Authority dismissed his appeal. In his cross examination he deposed at the time of dismissal the workman was working in Grade-VIII and that post was transferable. He was transferred to Dumar in Bihar from Guwahati. Ext. 2 is the transfer order. He did not join at Dumar in Bihar and he was released from Guwahati on 21-7-98. His transfer order was not stayed by any Court. Against Show Cause Notice he submitted his reply. He was present at the time of enquiry against him. The Management did not examine their witnesses. During the course of enquiry the Management exhibited some documents including his release order. He signed almost all the papers of enquiry proceeding except few papers when he was absent. He submitted his defence case in writing. Thereafter he received the dismissal letter. Along with him one Rangpi was transferred and he does not know whether Rangpi was complied with the transferred order or not. He preferred two Writ Petitions wherein he has not mentioned that there is no vacancy at Dumar. He did not comply the transfer order for 4 years from 1998. They have got a Standing Order, an unauthorized absent is a major misconduct under that Standing Order. The Management did not inform him about the transfer and release of other workmen. He signed the W.S. after going through it. He denied that the Management conducted the enquiry fairly.

7. Heard the argument submitted by learned Senior Advocate Sri S.N. Sarma with Sri N. Sarma, Advocate for the Management. Also heard argument submitted by learned Advocates Sri A. Dasgupta and Sri S. Chakrabarty

for the workmen. Perused the exhibited documents. Perused the following Case Laws submitted by the Management as well as by the Workmen.

By the Management.

(I) (1997) 4 Supreme Court Cases 565,

Tara Chand Vyas Vs Chairman & Disciplinary Authority & Ors.

(2) (2006) 5 Supreme Court Cases 137,
North Eastern, Karnataka R.I. Corps.
Vs Ashwappu.

(3) (2006) 6 Supreme Court Cases 187,

Divisional Controller, N.E.K.R.T.C., Vs
H. Amresh.

By the Workmen.

[AIR 1963 SC 1914=(1963) 2 LLJ 36]

Sri Enamel and Stamping Works Ltd. Vs
The Workmen.

8. On careful scrutiny of the documents and evidence in the record, admittedly there was a domestic enquiry enquired by Sri Rajib Goswami. At the time of giving evidence Sri Rajib Goswami was holding the Post of Chief Engineer (Pipe Line Division). He issued notice which is admittedly received by the workmen. The enquiry was proposed to start on 14-11-02 and on the date fixed it was adjourned. The enquiry was started in presence of the workmen. The procedure of enquiry was explained to the workman and he was allowed to take assistance of co-worker which he availed by engaging Sri P.K. Mehta for help of his defence. The management representative Mr. S. N. Mishra submitted the documents at the time of enquiry. The delinquent workman was allowed to examine witness from his end and also allowed to make queries in relation to documents exhibited at Departmental Proceeding. Of course, the workman side raised an objection that he was not allowed to cross examine in the way the workman desires to allow only "queries put by you can not be in the form of cross examination but only to seek clarification on the documents submitted by the management representative as exhibited". What I find over all the Enquiry Officer during the course of domestic enquiry allowed the workman for necessary opportunities for his defence.

9. On careful scrutiny of the evidence I find admittedly Sri Sekhar Rudra an employee under Management and posted at Guwahati was transferred to Dumur, Bihar. Accordingly he was released from Guwahati

Office on 21-7-98. But after release admittedly, the workmen concerned did not join in the place of posting at Dumur in Bihar. It is also admitted fact that the post held by the workmen was a transferable post. Admittedly and categorically the workmen stated in cross examination part "I did not join at Dumur in Bihar". My transfer was not stayed by any Court. It is also admitted by the workmen concerned in his cross examination part of evidence "that I did not comply the transfer order for four years from 1998." It is also admitted that there is a Standing Order unauthorized absent is a major misconduct.

10. On perusal of the documents exhibited, Written Statements and evidence in the record I am fully convinced that the workmen concerned wilfully disobeyed the transfer order and committed gross misconduct. A person in a government or any department must be disciplined. He must maintain the decorum of the office and also obedient. He should not be desperate and neglect to carry out the Office orders. What I find the workmen deliberately stalled the legal transfer order and remained absent for long period. Even as I feel in his cross examination that he has not visited his place of posting, Dumur in Bihar.

11. Under the above facts and circumstances, what I find the Management has committed no mistake in passing the order of dismissal against the workmen concerned. Perused the Case Laws. The Case Laws submitted by the management is befitting with the instant case. The Case Laws submitted by the workmen is not befitting with the instant case of the workmen. I also find full opportunity was given by the Enquiry Officer to the workmen during the course of domestic enquiry. Domestic enquiry was properly done in the present circumstances of the case. The workmen was given full opportunity in respect of disputing the exhibited documents. But when the basic things are admitted there is left nothing to show that the documents are not genuine. Under the above facts and circumstances, what I find management has rightly dismissed the workmen through a proper and fair D.P. As regards quantum of punishment I have thoroughly and again scrutinized the record. In such a gross misconduct of carrying Official Orders and remained absent from duties the best punishment is removal a person from the service. I do not like to interfere the quantum of punishment made by the Disciplinary Authority or the management concerned. He is rightly dismissed and this punishment is proper.

12. Under the above facts and circumstances, the Departmental Proceeding and the decision of dismissal is rightly taken and there is nothing to be interfered.

13. Prepared the Award accordingly and send it to the Government as per procedure immediately.

H. A. HAZARIKA, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.वा. 922.—ओर्डोरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डोरिंग विवाद में केन्द्रीय सरकार औरोरिंग अधिकारण/अमन्यायालय इनाकुलम के पंचाट (संदर्भ संख्या आई.डी. 37/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[फा. सं. एल-30011/75/2002-आईआर(एम.)]

एन. पर. बोरा, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 922.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I. D. 37/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Petroleum Corporation Ltd. and their workmen, which was received by the Central Government on 2-4-2008.

[F. No. L-30011/75/2002-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri. P. L. Norbert, B.A., LL.B., Presiding Officer
(Tuesday, the 4th day of March 2008/14th Phagun 1929)

I. D. 37/2006

(I.D. 10/2004 of Labour Court, Ernakulam)

Union	The President, Bharat Petroleum Corporation General Workers' Union, Head Office, Labour Port, Kalabhavan Road, Kochi - 682 018. By Adv. A. X. Varghese.
--------------	--

Management	The Senior Installation Manager, Bharat Petroleum Corporation Ltd., Dr. Salim Ali Road, Kochi - 682 014. By Adv. M/s. Menon and Pai.
-------------------	--

This case coming up for hearing on 26-02-2008, this Tribunal cum-Labour Court on 04-03-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

"Whether the industrial dispute raised by Bharath Petroleum Corporation General Workers Union against the management of Bharat Petroleum Corporation Ltd. over not regularisation of contract workmen justified? If so, to what relief the concerned workmen are entitled?"

2: Facts of the case in brief are as follows:- The claimant union representing 16 workers content that they were engaged by contractors for work in the management company Bharat Petroleum Corporation since 1976. They have been doing the work of cleaning of petrol, diesel, kerosene tanks and drainage, sweeping of the premises, cutting grass, painting and maintenance of buildings and construction of roads. Though the contractors changed from time to time the workers remained the same throughout. The work is perennial in nature. Without the workers the company cannot function. The work is done under the supervision and control of officers of the company. Wages are paid by the company. The workers have been requesting for regularisation for long. But company is adamant and have not considered their request. They have been working for the last more than 18 years. The Central Government issued a notification on 9-12-1996 prohibiting contract labour w.e.f. 1-3-97 with respect to the work of sweeping, cleaning, dusting and watching of buildings. The worker are entitled to be regularised.

3. According to the management there is no industrial dispute for adjudication. The workers are contract labourers and there is no master and servant relationship between workers and company. Therefore the workers are incompetent to raise an industrial dispute against the company. The court has no jurisdiction to adjudicate the dispute referred. The contract workers were engaged by the company only intermittently and not continuously. Their work is not of a perennial nature. The contractors are deciding who should be engaged in the work. There is no supervision and control of the workers by the officials of the company. It is not correct to say that the Central Government has issued notification dated 9-12-1996 prohibiting employment of contract labour w.e.f. 1-3-97. There was a notification. But it was struck down by the Hon'ble Supreme court in judgment in Steel Authority of India case. The workers have not acquired any right for regularisation in the company.

4. In the light of the above pleadings the following points arise for consideration :

1. Has the court jurisdiction to adjudicate the dispute?
2. Is the contract sham or genuine?
3. Are the workers entitled for regularisation ?

The evidence consists of the oral testimony of WWI, and documentary evidence of East WI on the side of the union and MWI and MW2 on the side of management.

5. Points Nos. 1 & 2: The management challenges the jurisdiction of this court to adjudicate the dispute. According to the management the workers whose cause is espoused by the union are only contract workers. They do not fall within the definition of 'workman' under Section 2(s) of Industrial Disputes Act. The company has not employed them. Such a dispute can be raised only by the regular employees of the company and not by contract workers. There is also no industrial dispute as defined in Section 2(k) of Industrial Disputes Act as there is no employer employee relationship between company and the workers. Lastly, it is contended that unless the contract system is abolished by the appropriate Government by notification as per Section 10 of Contract Labour (Regularisation and Abolition) Act no demand can be made for regularisation and no dispute can be raised by contract workers. There is a prayer in the written statement to consider the question of jurisdiction of the court as a preliminary issue. But to decide that question it is necessary to consider whether the contract is sham or genuine. It is held by the Hon'ble Supreme court in Steel Authority of India Ltd & Others V. National Union Waterfront Workers and Others, 2001-II-L.L.J. 1087 that the court has to consider first whether the contract is sham or genuine in order to decide whether a notification U/S. 10 of CLRA Act is required or not to claim regularisation in service. If the contract is sham even without prohibition of the contract system by notification, dispute can be raised and absorption can be claimed by contract workers. On the other hand if the contract is found to be genuine then the contract system has to be got abolished by approaching the concerned government. Therefore it is necessary to decide the nature of the contract first for which evidence has to be looked into. This compelled the State Labour court to defer the issue to the final stage.

6. It is relevant to note that in the claim statement the union repeatedly say that the 16 workers in question were engaged in 1996 by contractors and they were working continuously under different contractors for the last more than 10 years. Even contractors names are mentioned in para 4(a) (2) page (2) of the claim statement. But nowhere in the claim statement it is pleaded that the contract is sham or a conspiracy to deprive the workers of the benefits of Migrant labour legislations. However the learned counsel appearing for the union submits that though the word 'sham' is not used there is pleading with regard to the ingredients of a sham contract. It is true that the claim statement contains the statements that the work is perennial in nature, that the work is supervised and controlled by the officers of the company and payment is made by the company. But the undebatable fact is whether that pleading is sufficient to draw the attention of the opposite party and

to afford them an opportunity to prove the contention. According to the learned counsel for the management there is no specific pleading in the claim statement that the contract is sham, the management was not able to prove that contention with enough pleadings in written statement. The learned counsel relying on the case law submits that proof without pleading cannot be demanded. In N.D. vs. Mazumdar and Company V. State of West Bengal, 1999(1) L.L.N. 766 it is observed by Calcutta High Court that if a plea is not pleaded in the written statement the Tribunal would be right in not allowing the party to rely on the said plea and argue on it before it.

In 'Oriental Insurance Company Limited' v. T. Palitkanti 1998(2) L.L.N. 901 it is observed by Calcutta High Court that basically the rule is that if the absence of any pleading, any amount of oral evidence will not be of any use at all since such oral evidence unless a pleading is likely to take the other party affected by surprise. In view of

The learned counsel also refers to Steel Authority of India Limited V. Union of India and others, 2000-III-LLJ-1037, Paragraph 26 is as follows:

"The question whether before the Labour Committee in itself prohibiting a claim presented by the workers Union, A Trade union registered under the Trade Unions Act is entitled to espouse the cause of the workers? A definite answer should be given by the employer that they have been working under the contractors. It would be a prudent opinion, not liable on the part of the tribunal to take a hasty and草率的 decision that they withdraw the application of the principal employer. To take such a草率的 decision is liable to be impervious to law. Subsequently the trial court is liable, to take opinion, should not be justified to take a hasty and草率的 decision of industrial adjudication. Question is how principles of estoppel, notice and negligence should be applicable to a claim presented by a Trade Union."

Therefore it is contended that the claim in the form of evidence that contract is sham, cannot be permitted for want of pleadings. The nature of contract is pivotal in deciding the dispute. Nothing prevented the union in stating that the contract is not genuine but only to deny benefits to workers. On the other hand it is repeatedly stated in claim statement that the workers are contract labourers. If they are contract labourers the contract need not be sham or genuine. But the person who chooses the contract should specifically challenge it. It is the claim to note that there is equally no pleading that no intention of the company in engaging contract workers is to deprive them of the benefits of labour legislations.

7. Apart from absence of pleadings, even going by the materials on record the case of workers is unproved. The only document that the union has produced is O.P. 17397 of 1997 of Hon'ble High Court of Kerala. There these workers named the

notification issued by Central Government on 09-12-1976 prohibiting contract labour in respect of certain categories of work to be enforced. But the Hon'ble High Court observed that the prohibition order was regarding sweeping, cleaning, dusting and watching of buildings and whether the workers fall under such categories is a question of fact to be decided on the basis of evidence to be adduced before proper forum and not in a writ petition. Ext. W1 does not support the case of the union one way or other regarding the nature of the contract. Apart from Ext. W1 the oral testimony of WW1 who is a worker as well as an office bearer of union alone is there. He also admits that the workers were working under contractors and they were paid by contractors (cross examination page-2). Though he says that successive contractors were engaging the same set of workers continuously, the union has not been able to produce any record or examine any of the contractors to prove that it was at the instance of the company that the same set of workers were continuously employed by successive contractors. On the other hand MW1 and MW2 the management witnesses say that the contract system is not abolished and contractors alone were the choosers of workers. The learned counsel for the management points out that though there was a notification referred supra it is set aside by the judgment in S.A.I.L. case. It is to be noted that even assuming that prohibition notification made mention in Ext. W1 judgment is in force it relates only to sweeping, cleaning, dusting and watching of buildings alone. It does not refer to cleaning of petrol and diesel tanks, grass cutting and other maintenance work claimed by the workers. MW1 says that the contractors are supervised by the company. He says that the company is allotting work to contractors and company is supervising such work (page-8). But he does not know whether according to the change of contractors the workers are changed. He admits that the work is perennial in nature. However the company has to see whether the work allotted to the contractors is done according to the specifications of the company which can be ensured only if officers of the company supervise the work, but not the workers. If the workers are supervised, it would mean that they may be in fact workers of the company. Yet it is only a piece of evidence to prove the status of workers. MW2 the Sr. Management of the company says that the company supervises the contractors and payment is made by the contractor. He does not admit that the work is perennial in nature. However the stand of MW2 regarding perennial nature of work does not appear to be correct. Cleaning of tanks, cutting of grass etc. are recurring type of work and hence perennial. But union was not able to prove with sufficient evidence that the workers were engaged continuously by different contractors at the instance of the company. The contractors are free to engage anyone as workers. According to their discretion they may prefer the ex contract workers considering their experience in the same category of work. Therefore the successive

contractors may sometimes engage the same set of workers. Therefore it cannot be presumed that the contract is only a smoke screen between the company and the workers. The wages are paid admittedly by the contractors and not by the company. Other than a sweeping statement of WW1 that supervision is done by the officials of the company there is no specific statement as to who was, or who were the officers who were supervising and controlling the workers. No adequate evidence is adduced to support the contention regarding supervision control. The union has no case that any disciplinary action was taken by the company against any of the workers. Admittedly no appointment orders were issued to the workers nor were they terminated by the company by any written order. No records were called for from the company to prove that the company is the real employer of the workers. In the absence of such evidence regarding the nature of the employment and the absence of specific pleadings regarding the nature of contract it is not possible to accept the contention of union that the contract is not genuine.

If so, without getting the contract system abolished by notification under Section 10 of C.I.R.A. Act the union cannot raise an industrial dispute against the company. Points are answered accordingly.

8. Point No.3:- Though this aspect need not be considered in view of the fact that workers cannot raise an industrial dispute, for the sake of completeness I would deal with it. I have found that the contract is genuine. If so the contract workers do not acquire any kind of right for absorption in the management company. Continuous work for 240 days or more in a year will not confer any right on them for employment in the company. The decision in Oil & Natural Gas Corporation Limited V. Engineering Mazdoor Sangh, (2007) 1 Supreme Court Cases 250 relied by the learned counsel for union is not applicable as it relates to casual/temporary workers and not contract workers. It is held in Secretary, State of Karnataka and others V. Uma Devi and others, 2006 (109) FLR 826, paragraph 38 as follows:

“When a person enters a temporary employment or gets engagement as a contractual or causal worker and the engagement is not based on proper selection as recognized by the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, causal or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in concerned cases, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or causal employees. It cannot also be held that the State has held out any promise

while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a relief of being made permanent in the post".

In view of the above circumstances I find that the workers are not entitled for absorption in the management company even if the industrial dispute lie before this court.

In the result, an award is passed finding that the workers are not entitled for regularisation and the demand of the union is not legal and justified. The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 4th day of March, 2008.

P. L. NORBERT, Presiding Officer

Appendix

Witness for the Union

WW1 - 26-02-2007 - Sri.Ancelo De Silva.

Witness for the Management

MW1 - 19-06-2007 - Sri.Sadamandan K. Menon.

MW2 - 17-12-2007 - Sri.Kurlan Parambi.

Exhibits for the Union

W1 - 06-08-2001 - Certified copy of judgment in OP 17797/97 of the Hon'ble High Court of Kerala.

Exhibits for the Management - Nil.

नई दिल्ली, 2 अप्रैल, 2008

कर.आ. 923.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धरा 17 के अनुसार में, केन्द्रीय सरकार मै. के. एस. अहलवालिया, नवगाँव आयरन मार्केन्स के प्रबंधितकर्ता के संचालन नियोजकों और उनके कर्मस्थारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/अप्र न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या आई. डी. केस सं-8/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[भ. एस-26011/11/2003-आईआर (एम.)]

एम. एस. बोरा, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 923.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I. D. Case No. 8/2004) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the

Annexure in the Industrial Dispute between the employers in relation to the management of M/s. K. J. S. Ahluwalia Noagaon Iron Mines and their workmen, which was received by the Central Government on 2-4-2008.

[No. L-26011/11/2003-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

PRESENT: Shri N. K. R. Mohapatra, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 8/2004

Date of Passing Award (Lok Adalat)- 3rd February
2008

BETWEEN:

The Management of
M/s. K. J. S. Ahluwalia,
Mines Owner,
Noagaon Iron Mines,
At./Po. Barbil, Dist. Keonjhar,
Orissa.

—1st Party-Management

AND
Their Workmen,
represented through the
General Secretary,
North Orissa Workers Union,
Head Office, Orampura,
At./Po. Rourkela,
Dist. Sundargarh -769012.

—2nd Party-Union.

APPEARANCES:

Shri S.K. Routray,
Asst. Manager (Legal)

—For the 1st Party
Management.

Shri B.S. Pati.
General Secretary.

—For the 2nd Party
Union

AWARD

The following dispute is the outcome of a reference made by the Central Government in their letter No. L-26011/11/2003-IR (M), dated 20-2-2004.

"Whether the action of the Management of M/s. K. J. S. Ahluwalia, Noagaon Iron Mines, At./Po. Barbil, Dist. Keonjhar, by terminating the services of Sh. Panu Munda, S/o. Dubrai Munda, Smt. Sumai Munda, W/o. Panu Munda and Smt. Mundul Munda W/o. Gangu Munda, Miners with effect from 31-3-2003 without following the provisions of I.D. Act, and without observing the principle of natural justice is justified? If not, what relief the workmen are entitled to?"

2. While the matter was sub-judice before the Tribunal the same was placed before the Lok Adalat held

on 3-2-2008. The parties to the dispute filed a joint petition of compromise (settlement dated 30-1-2008) whereunder the Management has agreed to take back the disputants into service with 50% of their back wages for the idle period from 1-3-2003 till 30-1-2008 keeping their earlier service conditions un-challenged. In view of the above the reference is answered accordingly with a direction to the Management to reinstate the workmen in their original post forthwith with the above conditions as narrated in the terms of compromise which forms part of the settlement.

3. Reference is answered accordingly.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2008

का.आ. 924.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चाकना क्रोमाइट माइन्स और मै. एफएसीओआर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय, मुवनेरकर के पंचाट (संदर्भ संख्या आई. डी. केस सं. 18/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-4-2008 को प्राप्त हुआ था।

[सं. एल-29012/25/1996-आईआर (एम.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 2nd April, 2008

S.O. 924.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. Case No. 18/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Boula Chromite Mines of M/s. FACOR and their workman, which was received by the Central Government on 2-4-2008.

[F. No. L-29012/25/1996-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present: Shri N.K.R. Mohapatra, Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO. 18/2001

Date of Passive Award (Lok Adalat)- 3rd February
2008

Between:

The Management of the Executive (Mines),
FACOR, Laxmi Bhaan, Kuans, Dist. Bhadrak.

... 1st Party-Management

And

Their Workman, Shri R. C. Behera represented through the General Secretary, Chrome Zone Employees Union, Boula Chromite Mines At/Po. Soso, Dist. Keonjhar.

...2nd Party/Union.

Appearances:

Shri A. K. Mishra,
Manager (Law)

For the 1st Party
Management.

Shri A. K. Rout,
General Secretary.

For the 2nd Party
Union

AWARD

The following dispute is the outcome of a reference made by the Central Government in their letter No. L-29012/25/96-IR (Mise), dated 17-9-1996.

"Whether the action of the Management of Boula Chromite Mines of M/s. FACOR in terminating the services of Shri R. C. Behera, Ex-Blaster with effect from 18-9-1995 is justified? If not what relief the workman is entitled?"

2. Today by making their personal appearance before the Lok Adalat both the parties pleaded to have already resolved the dispute outside the court on 20-12-2007 and by referring to their said settlement wanted the Tribunal to pass an award on compromise. On perusal of the joint compromise petition which forms part of the award it is gathered that the workman having received Rs. 45,000/- in lieu of his full and final settlement has agreed not to raise any sort of dispute against the Management pertaining to his service henceforth and shall have no lien over his service in future.

3. In view of the above settlement between the parties the reference is answered accordingly.

N.K.R. MOHAPATRA, Presiding Officer

नई दिल्ली, 4 अप्रैल, 2008

का.आ. 925.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट (संदर्भ संख्या 69/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-4-2008 को प्राप्त हुआ था।

[सं. एल-22012/350/2004-आईआर (सीएम-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th April, 2008

S.O. 925.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), thy Central Government hereby publishes the Award Ref.69/2005 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the industrial dispute

between the management of M/s. Eastern Coalfields Limited and their workmen, received by the Central Government on 04-04-2008.

[No. L-22012/350/2004-IR(CM-II)]

AJAYKUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT ASANSOL.

REPRESENTATIVE No. 69 of 2003.

Present: Sri Md. Sarfaraz Khan,
Presiding Officer,

Parties: Agent, Bankola Colliery, Under
Bankola Area, P.O. Uikhra,
Burdwan.

v/a.

General Secretary, Koyla Mazdoor Congress, Gorai
Mansion, G.T. Road, Asansol, Burdwan.

REPRESENTATIVES:

For the Applicant: Sri S.K. Pandey, General
Secretary

For the Opposite Party: None.

Industry: Coal State: West Bengal
Dated the 28-1-2008

ORDER

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Government of India through the Ministry of Labour vide its letter No. L-22012/350/2004-IR(CM-II) dated 21-7-2005 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Bankola Colliery under Bankola Area M/s Eastern Coalfields Limited in dismissing Sh. Gopal Dasgupta, Security Guard from Services U.M. No. 693307 from service w.e.f. 24-4-01 is legal and justified? If not, to what relief the workmen is entitled?"

On having received the Order No. L-22012/350/2004-IR(CM.II) dated 21-7-2005 of the above mentioned reference from the Govt. of India, Ministry of Labour, New Delhi, for adjudication of the dispute, a reference case No. 69 of 2003 was registered on 17-8-2005 and accordingly an order to that effect was passed to issue notice through the registered post to the parties concerned directing them to appear in the Court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the

said order notices by the registered post were sent to the parties concerned. Sri S.K. Pandey, General Secretary of the Union appeared in the Court to represent the union. The written statement was filed on behalf of the union.

In brief compass the case of the union as set forth in its written statement is that Sri Gopal Dasgupta was the permanent employee of the company as security guard at Bankola Colliery, Bankola Area, M/s. Eastern Coalfields Limited. The workman concerned was charge sheeted for alleged theft, fraud, dishonesty, in connection with the employers business or property vide charge sheet No. W.W./PD/15(10)/205, dated 29-1-2001.

The main case of the union is that the workman performed his duty in 1st shift of 28-1-2001 as per the records of the management. An incident alleged theft of a piece of raci was reported. The workman who was on duty at the time of alleged incident was set free while Sri Dasgupta who was not in duty in the said shift was charge sheeted by the management. The said workman Sri Dasgupta who was ultimately dismissed from the service of the company holding ex-parte enquiry, ignoring the principles of natural justice. It is really said to be strange that the management had taken such type of harsh decision on the basis of hear say evidence. In the light of the above mentioned fact it is said to be absolutely clear that the dismissal of Sri Gopal Dasgupta from the service of the company is illegal and unjustified. The workman concerned is since then out of job and his whole family is on the verge of starvation. The union has sought relief for the reinstatement of the workman concerned in the service with the payment of full back wages for the period from the date of dismissal with all the consequential benefits.

On the other hand it is clear from the perusal of the record that the notices by the registered post was sent to the Agent, Bankola Colliery, Bankola Area, P.O. Uikhra, Distt. Burdwan which was received and endorsement to that effect was made on the A/D by putting the signature with the date of the receipt of the notice. Since the date of the receipt of the notice several repeated adjournments were given for the appearance of the management but to no effect, within delay the reference proceeded for exparte hearing.

From the perusal of the record it transpires that the union has filed the list of certain documents consisting copy of the office order to delete the name of the workman concerned from the service of the company, copy of the dismissal order, copy of the findings, copy of the enquiry report, copy of the enquiry proceeding and the copy of the charge sheet. It is clear from these documents that the (enquiry proceeding was conducted exparte in absence of the workman concerned. There is no even chit of paper to show that the notice of enquiry proceeding were sent to the workman concerned. There is no proof of this fact that the workman concerned had personally receive the notice

of the enquiry. Besides this all the witnesses examined during the enquiry proceeding are official and hear say witnesses the information or their evidence is based on second heard information. Besides this the security guard on duty at the pit top not during the relevant time has also not been examined during the enquiry proceeding and he was set free from the alleged incident of theft. There is no any direct evidence of involvement of the workman concerned in the alleged theft. The Enquiry Officer finding is based exclusively on the hear say evidence of the said security guard whose lapses in duty concerned the incident of theft. The management did not appear in the Court inspite of personal services of the notice so there is no defence case before the Court. It is also clear from the record and the documents filed by the union that no proper opportunity was given to the workman concerned to defend himself during the enquiry proceeding which amount to direct violation of the principle of natural justice:

In view of the above facts, circumstance, evidence and discussion made above I am satisfied to hold that the dismissal of Sri Gopal Dasgupta from the service is not legal and justified. And as such in the passed order of dismissal of the delinquent employee is hereby set aside and be it directed to be reinstated with the entering of service with 50% of the back wages which will serve the ends of justice. Accordingly it is hereby

ORDERED

that let an "ex-parte Award" be and the same is passed in favour of the workman concerned. Send the copies of the award to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MD SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 4 अप्रैल, 2008

का.आ. 926.—ओपोरेटिंग विवाद अधिकार, 1947 (1947 का 14) की आय 17 के अनुसार मैं, केन्द्रीय सरकार येशुइया प्रोबेट कोलीरी के प्रबंधन के संबंध नियोजकों और उक्त कमिटी के बीच, अनुबंध में निर्दिष्ट ओपोरेटिंग विवाद में केन्द्रीय सरकार ओपोरेटिंग अधिकारण आसनसोल के पंचाट (संख्या 81/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-4-2008 को प्राप्त हुआ था।

[सं. एल-22012/432/1998-आई आर (सीएम-II)]

अधिकारी कुमार गौड़, देस्क अधिकारी

New Delhi, the 4th April, 2008

S.O. 926.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 81/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial

Dispute between the employers in relation to the management of Begunia Project Colliery and their workmen, which will be received by the Central Government on 4-4-2008.

[No. L-22012/432/1998-IR(CM-II)]

AJAY KUMAR GAUR, Clerk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ASANSOL

Present:

Sri Md. Sarfaraz Khan, Presiding Officer

REFERENCE NO: 81 OF 1999

Parties : The Agent, Begunia Project Colliery, Chanch Victoria Area, P.O. Barakar, Distt. Burdwan.

Vrs.

The Area Working President, Janta Mazdoor Sangh, Damagoria Colliery, P.O. Kalyanewari Distt. Burdwan.

REPRESENTATIVES:

For the management	:	Sri P.K. Das, Advocate
For the union (Workman)	:	Sri. S.K. Singh, Area Working President.
Industry	:	Coal
State	:	West Bengal

Dated the 15-1-2008.

AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its letter No.L-22012/432/98-IR(CM-II) dated 7-7-1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Begunia Project in not protecting the wages of Sh. Sabir Ali w.e.f. 23-10-97 is justified? If not, to what relief is the workman concerned entitled?"

After having received the Order No. L-22012/432/98-IR(CM-II) dated 7-7-1999 of the above mentioned reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case

No. 60 of 1999 was registered on 23-7-1999 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Sri S.K. Singh, Area Working President of the Union and Sri P.K. Das Advocate appeared before the court to represent the management and the union respectively. The written statements were filed on behalf of both the parties concerned in support of their claims.

From the perusal of the record it transpires that the case was fixed for hearing of the argument of the parties concerned on 29-9-03 but none of the parties on the date fixed. The union left taking any step on its behalf since 29-9-03 to 12-9-07. Repeated several adjournments were given to the union to take suitable step but the union did not appear in the court. The reference is very old one. These all prevailing facts, circumstances of the case and the regular absence of the union go to show that the union has got no interest and does not want to proceed with the case further. In such circumstance it is not proper and advisable to keep record pending any more as no useful purpose is to be served. As such it is hereby

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and record. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नवी दिल्ली, 4 अप्रैल, 2008

का.आ. 927.—दीर्घावधि विभाग अधिनियम, 1947 (1947 का 14) की वार 17 के अनुसार में, कंपनीय सरकार ई. सी. एल. के प्रतिकारी के रूपमें नियोगित और उनके परिवारों के बीच, अनुसार में नियोग दीर्घावधि विभाग में कंपनीय सरकार दीर्घावधि अधिकार आवासदातों के रूपमें (दर्दरा दर्दरा 60/2000) को प्रकाशित करती है, जो कंपनीय सरकार को 4-4-2008 को प्राप्त हुआ था।

[प्र. क्र. 22012/591/1999-नाह अर (सीएम-II)]

अधिकारी चुनाव नीति, देश क अधिकारी

New Delhi, the 4th April, 2008

S.O. 927.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.60/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial

Dispute between the aforesaid in relation to the management of Eastgate Coalfields Limited and their workers, which was received by the Central Government on 4-4-2008.

[No. I-22012/591/1999-IR(CM-II)]

AJAY KUMAR GAUR, Presiding Officer

RECORDED IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.

Present:

Sri Md. Sarfaraz Khan, Presiding Officer

REFERENCE NO. 60 OF 2000.

Parties:

The Agent, Amritnagar Colliery of
M/s. ECL, Raniganj, Burdwan.

Vrs.

The Org. Secretary, Colliery
Mazdoor Sabha, Asansol.

REPRESENTATIVES:

For the management : Sri P. K. Goswami, Advocate

For the union (Workman) : Sri N. Ganguly, Advocate.

Industry : Coal

State : West Bengal

Dated the 2-1-2008.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947(14 of 1947), Government of India through the Ministry of Labour via its letter No. I-22012/591/1999- IR(CM-II) dated 13-7-2000 has been pleased to refer the following dispute for adjudication by this Tribunal,

SCHEDULE

"Whether the action of the management of Amritnagar Colliery under ECL in denying minimum wages plus special Piece Rated Allowances in respect of Sh. Prem Kumar Singh and six others at the time of their conversion from Piece Rated Category to time Rated Category since 1993 is legal and justified? If not, to what relief the workmen are entitled?"

After having received the Order No. L-22012/591/99-IR/(CM-II) dated 13-7-2000 of the above said reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 60 of 2000 was registered on 1-8-2000/17-1-2001 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Sri P.K. Goswami, Advocate and Sri N. Ganguly, Advocate appeared in the court to represent the management and the union respectively. The written statements on behalf of both the parties concerned in support of their claims.

From the perusal of the record it transpires that the case was fixed for filing documents by the parties at their request on 9-6-2006 but none of the parties appeared and

filed their documents. It is further clear from the record that the union left taking any step on his behalf since 9-6-06 to 12-9-07. Repeated adjournments were given to the union to take suitable step by him but unfortunately neither the learned lawyer of the union nor the union itself or the workman concerned appeared in the court. The reference is old one and the union or the workman is not interested to proceed with the record further. In such prevailing facts and circumstances of the case it is not proper and advisable to keep the old reference pending any more as no useful purpose is to be served. As such it is hereby:

ORDERED:

that let a "No Dispute Award" be and the same is passed. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer